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**COMMONWEALTH OF VIRGINIA**

**DEPARTMENT OF AVIATION**

5702 Gulfstream Road  
Richmond, Virginia 23250-2400

Virginia Aviation Board Workshop Agenda  
October 24<sup>th</sup> and 25<sup>th</sup>, 2006  
Wyndham Hotel Richmond  
4700 S. Laburnum Avenue  
Richmond, Virginia

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3 Roger L. Oberndorf, Chairman Present

4 Richard C. Franklin, Jr. Present

5 Larry T. Omps Present

6 Robert S. Dix Present

7	William J. Kehoe	Absent
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8 Marianne M. Radcliff, Vice Chairman Present

9 Alan L. Wagner Present

10	Bob Johnson	Absent
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12 **OTHER ATTENDEES**

13

14 John J. Beall, Jr. Counsel

[illegible]

16 Aviation (DOAV)

17 Terry Page FAA

18

DOAV Staff, Federal Government Representatives, Airport Managers and  
Sponsors, Consultants, Engineers, State Government Representatives,  
Business Owners, and City and County Representatives.

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21 Business Owners, and City and County Representatives.

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1 MR. OBERNDORF: I call this Workshop Session  
2 of the Virginia Aviation Board to order. The first order of business would  
3 be to introduce our new member, Mr. Bittle W. Porterfield, from Roanoke.  
4 Everybody, when you get a chance, please introduce yourself, and hope  
5 you'll have time later on to meet.

6 MR. BURNETTE: Mr. Chairman, we also have  
7 with us today Mr. Medford Howard, court reporter, taking notes for us  
8 today.

9 MR. OBERNDORF: The Obstruction  
10 Certification Policy discussion will be our first order of business.

11 MR. BURNETTE: Good afternoon, Mr. Chairman  
12 and members of the Board. Not to be outdone, I have an introduction as  
13 well. Amy, would you stand up, please? Amy Wells is our new airport  
14 engineer. Amy comes to us from VDOT. She is a graduate engineer, and  
15 she has jumped right in and has been a great help so far.

16 Oh boy, obstructions, my favorite subject. Needless to say,  
17 since the August meeting there has been a lot of discussion, and especially  
18 around our shop, and I think there has been a lot of discussion around the  
19 state among the airports. So what the Department will do this afternoon is  
20 talk about obstructions a little bit, give you a little bit about the history of  
21 why, how we got to where we're at, talk a little bit about the motion that was  
22 made in August, and then we have some ideas.

23 This is kind of a straw man for the Board to look at. Okay.  
24 How did we get involved, and how did obstructions become such an  
25 important issue? For the aviation community in Virginia, back in about

1 1984, remember Sky Bryce Airport? I joked to the guys here that I should  
2 get a leather jacket because I've been to all the airports in Virginia, even  
3 those that closed. Randy is going to grandfather me on the leather jacket.  
4 Sky Bryce, they had a, remember the two doctors that crashed the airplane  
5 with the two nurses in the back --

6 MR. OMPS: -- and the two wives.

7 MR. BURNETTE: No, no, they weren't wives;  
8 that was the problem, that was part of the problem. Unfortunately, one of  
9 those ladies got injured severely and ended up in a big lawsuit, and Keith  
10 Bryce at the time, rest his soul, was very much involved in the aviation  
11 community and actually ended up being one of our Board members and  
12 brought it to the Board's attention.

13 Actually, there was a similar accident before this one in '77, where an  
14 aircraft hit some trees at Bryce Mountain, but that really got the Aviation  
15 Board's attention.

16 In '87 the PhotoSlope technology was kind of brought to the  
17 Department's attention, and we took advantage of it, thanks to Terry Page,  
18 the FAA funded the first PhotoSlope survey back in '87. We would have  
19 been no help, with the status of our instructions in Virginia at the time. We  
20 surveyed every runway in Virginia, and only two airports, Chesapeake, Joe  
21 Love, there you go, and Virginia Tech were the only two airports that did  
22 not have some type of obstruction, two out of 75.

23 In 1987 the Board decided to implement a policy to address  
24 obstructions to runway ends. My eyes are getting kind of bad, so you'll have  
25 to excuse me. The second bullet is what was published in the 1994

1 Procedural Guide. I spent three days going through our archives trying to  
2 find something newer than that, but this is the newest language that I could  
3 find. It says, pardon me for reading it to you, "In order to be eligible for  
4 funding, airports must be free of any 'Hazards to Air Navigation' as defined  
5 by FAR Part 77 or VAR, Section 3-3. Airport Master Plans and Layout  
6 Plans may be funded if an active, ongoing effort is underway to remove all  
7 obstructions."

8 We used that definition for quite a while to guide how we  
9 addressed obstructions in the Commonwealth. In April of '06 the third bullet  
10 with the language that was adopted by this Board, very similar. "If an  
11 airport is not in compliance with obstruction and clearance standards with  
12 Federal Aviation Regulations and the Virginia Aviation Regulation, the only  
13 projects eligible are ones to identify or mitigate obstructions." Very similar  
14 to the second bullet, a little broader, but that's what we were, that's the last  
15 language we were using and what we used to make our recommendations for  
16 August. As Dr. Wagner called it, purpolate.

17 In August we had the "Perfect Storm". Why did we have the  
18 "Perfect Storm," several reasons. We hired two additional engineers to  
19 conduct airport inspections. We were short of people, and we finally got  
20 fully manned, and we got out there and we started doing these inspections.  
21 We completed 43 airport license inspections from March to August of '06,  
22 and we completed eight FAA 5010 inspections between March and July.

23 We also received money from Terry again to do the  
24 PhotoSlope. We initiated that in March, and we started receiving results in  
25 June, so, I think it's 64 runways, since the majority of the inspection results

1 all started coming in and around that June, July time frame. About the same  
2 time we were having to make recommendations on the projects for the  
3 August Board meeting. As a result, sponsors didn't have enough time to  
4 resolve the obstruction problems. It was just bad timing, as Dr. Wagner  
5 said, the "Perfect Storm" hit. As a result of the storm, the Board passed this  
6 motion, and we got this off the tape. "Require sponsors to provide  
7 documentation instead of signature that obstructions do not exist on an  
8 airport before filing an application, with the documentation being a  
9 PhotoSlope survey, a 5010 inspection, a license inspection, or a survey by a  
10 licensed surveyor."

11 The motion also said, "Sponsors would have 60 days after  
12 notification to rectify the obstructed situation."

13 Finally, the motion said, "Documentation would be valid for 12  
14 months, giving the sponsors the ability to spot impending growth into the  
15 obstruction area, and they need to address it immediately."

16 When we got back to Richmond, we started looking at that  
17 motion and started analyzing it, and we decided to look at the pros and cons  
18 of it. We were also receiving a lot of comments from the sponsors, and I  
19 think even the Board members had received comments recently through e-  
20 mail. So, we looked at the pros.

21 Under that motion, sponsors must submit an obstruction survey  
22 with funding request. That would be either a 5010 survey, PhotoSlope,  
23 licensing survey, or a survey from a licensed surveyor. It also encourages  
24 sponsors to take more responsibility and be more accountable and promotes  
25 a safer environment.

1                   Finally, it does provide a 60-day grace period after notification  
2 to mitigate obstructions. What this means is you could have obstructions,  
3 know of it, come in and receive a tentative allocation and still have a 60-day  
4 window to remove those obstructions and keep that tentative allocation.

5                   Here are the cons. Sixty days to rectify obstructions is  
6 somewhat problematic, because in many cases it takes longer than 60 days to  
7 mitigate obstructions. As you know, sometimes the obstruction may be in  
8 the right-of-way owned by VDOT, it may be across the road on somebody  
9 else's property, you've all experienced a lot of that.

10                  Also, it may tie up the tentative allocations as long as 60 to 120  
11 days. That's money we're waiting for someone with obstructions to get  
12 removed when somebody else would be using the money.

13                  Second bullet, does not address impact on the other funding  
14 programs, such as maintenance, security, F&E, promotion/air service. If you  
15 have obstructions, does the Department still continue funding those  
16 programs?

17                  Third bullet, to a lesser extent it could somewhat conflict with  
18 airport license code requirements. For instance, down at Hampton Roads,  
19 we went out there and did a lengthy survey on obstructions, and we issued  
20 them a conditional license and gave them 90 days to remove those  
21 obstructions. We thought 90 days was appropriate to the type of obstruction.  
22 Well, we've got a 60-day rule now, so we've got a little bit of a potential  
23 conflict.

24                  And finally, it does not address which certification takes  
25 precedence when a survey becomes available, because under the motion all

1 you had to do was present a survey that shows you're clear, and that's good  
2 for 12 months. Well, if we come in and do a survey and find obstructions,  
3 which takes precedence?

4 So, that's the pros and the cons of what was in our view.

5 Now, I'll be the first to tell you that for every pro I have up  
6 there you could turn into a con, and every con can turn into a pro. This is  
7 just among staff, talking and trying to be fair.

8 So, the Department would like to suggest this as a motion.  
9 "Airports that have FAR Part 77 and/or VAC 5-20-140 runway end  
10 obstructions and cannot meet FAA Advisory Circular 150/5300-13 (Change  
11 10), Runway End Siting Requirements are not eligible for Commonwealth  
12 Airport Fund or Aviation Special Fund discretionary funding." Exceptions  
13 include obstruction removal and/or mitigation projects, planning projects to  
14 identify obstructions, security plans and audits.

15 We still want people to try to get out there, keep the airports  
16 secure; all we're doing is the plans and audits.

17 Finally, projects deemed by the VAB Chairman and DOAV as  
18 critical to the safety of the flying public, or an emergency. For example, if  
19 your AWAS goes out, we would fund to repair that. If Buford, God forbid,  
20 has a sinkhole in the middle of his runway, we would go out there and fix  
21 that sinkhole. Those are examples. Let the straw man look at.

22 Here's the pros. Encourage the sponsor's  
23 responsibility/accountability, same as the other. Focuses sponsor's attention  
24 on obstruction mitigation. The reason we put that in here is because under  
25 this policy if you have obstructions, all funding stops, and it promotes a safer



1 environment. Eliminates the 12-month survey documentation requirement,  
2 which resolves the precedence issue. So, really the most current survey will  
3 be the one to be used. It does not tie up funding through tentative  
4 allocations, and finally, it rewards airports that are in compliance.

5 Not a perfect policy, one of the sponsors may say I like the  
6 grace period, but we eliminate the grace period, that has no grace period, and  
7 it withholds funding from the other programs, as I mentioned, maintenance,  
8 security, F&E and promotion. Finally, it requires sponsors to certify  
9 obstruction compliance. Some people say that obstruction is not worth the  
10 ink it's written with, certification, excuse me, but we went back and looked  
11 at it, and we only had several airports that actually signed it that knew they  
12 had obstructions, so it kind of worked.

13 To summarize this up, the Department believes that if we use  
14 these five techniques, funding of licensed land surveyor, FAA 5010 survey  
15 conducted by the Department, DOAV license survey, the PhotoSlope  
16 survey, and some type of planning study, that every three years you're going  
17 to get probably one of those surveys applied to your airport to help you  
18 identify obstructions. This is not to say that you cannot come to the  
19 Department and request maintenance money to hire a survey to go out and  
20 do it. But these are services that the Department will do as part of their  
21 normal requirements because of Code requirements that we'll be doing  
22 anyway.

23 So, that's kind of a short run-through to stimulate some  
24 discussion about obstructions and the policy that was passed, the motion that  
25 was passed in August, because we have received a lot of questions, and we

1 thought we'd like to bring it back before the Board again for discussion.

2 Yes, sir.

3 MR. OMPS: Mr. Chairman, can I ask a question?

4 Cliff, next to the last line, requires sponsor to certify  
5 obstruction compliance.

6 MR. BURNETTE: Yes, sir.

7 MR. OMPS: What kind of certification are you  
8 looking for? Is that just a guy that says the sponsor says we're in compliance  
9 and signs off on it, or is it a surveyor, or a PhotoSlope, or what is it?

10 MR. BURNETTE: It's their word. If you look on  
11 your current, in your package, you'll notice on the five-year plan now they  
12 certify that they are in compliance with FAR 77 and Virginia Regulations.

13 MR. OMPS: That was one of the problems you  
14 had, wasn't it, trying to eliminate?

15 MR. BURNETTE: Well, we went back and  
16 looked at it, and I just happen to have, here's the results. We went back and  
17 looked at the August submittals, and three sponsors did not certify they were  
18 obstructed, in other words, they fessed up they did have obstructions. Two  
19 airports certified and were notified before they signed this, they signed  
20 obstructions, they signed the forms, knowing they had obstructions. Ten  
21 airports found out they had obstructions after they signed the form, and eight  
22 were inspected but didn't receive a notification until later. So, it really  
23 wasn't as, at the time, in all fairness to the folks in August, it was not as  
24 significant as we thought. So, I was surprised and pleased that the  
25 certification worked a little bit better than I thought, but that is to say

1    though, let me say this, it's about 20 or 19 airports that would have a  
2    problem signing it today if they haven't removed those obstructions.

3                   MR. FRANKLIN: Well, there had been, and those  
4    of you who are members of VAOC know a lot of discussion is going on, on  
5    the Internet, and I think you're asked to comment, and seen it going around.  
6    You know, I've got to tell you, although I have two friends who made,  
7    seconded that motion, I think their intent was not to create an issue of  
8    controversy but to create a better system. I, personally, having operated an  
9    airport for a number of years, can't imagine signing that without, you know,  
10   being obstruction-free. I think the usual method is, I was told one time if  
11   you have obstructions you don't sign it, and you send a letter telling how  
12   you're addressing those obstructions, and obviously some sponsors didn't do  
13   that.

14                  One of these e-mails I got, actually from an airport operator,  
15   said that the airports looked pretty foolish when some of these issues came  
16   up. How many did you say, three had actually signed?

17                  MR. BURNETTE: Two.

18                  MR. FRANKLIN: Two had actually signed saying  
19   that they were obstruction free, when in fact they were not. I'd like to hope  
20   that is a result of a misunderstanding, rather than a deliberate attempt to  
21   circumvent the policy. So it wouldn't have happened, you know, we didn't  
22   just dream of this, I don't think. I'll let the makers of the motion speak for  
23   themselves. I don't think the Board just dreamed this up to create some  
24   more discussion, because we seem to generate enough of that anyway. I  
25   think it did come about because of this issue. I still think, Cliff, that issue

1 needs to be addressed as to what do you do.

2 In some agencies in the federal and state government there's a  
3 penalty, and the penalty could be not eligible for funding for a certain  
4 period. I'm just kind of like Cliff now, putting the straw man out here, but  
5 anyway that's what I saw as far, as my VAOC comments. Most of them are  
6 overwhelmingly opposed to this policy. I think I can clearly state that.

7 MR. OBERNDORF: Any other comments or  
8 questions?

9 MR. DIX: Mr. Chairman, I was part of the motion  
10 at the last meeting, and at the time it seemed appropriate to put out  
11 something that would put the fire out, because there was a lot of controversy  
12 at that meeting. I think this is a good move for you to reevaluate it, give it  
13 more time and study. Some of the points, I think, are very well taken. I  
14 would be willing to modify that motion with appropriate discussion.

15 MR. OBERNDORF: Any comments from the  
16 audience?

17 MR. ELLIOTT: Mr. Chairman and members of  
18 the Board, my name is Brian Elliott. I'm Executive Director of the  
19 Charlottesville-Albemarle Airport Authority. I just wanted to congratulate  
20 the Department's Staff on the work they have done researching this over the  
21 past 60 days. This does cause a great deal of concern to air carrier airports  
22 in the sense that, number one, every year as part of the Federal Aviation  
23 regulations, Part 139 Certification Inspection, we undergo a very rigorous  
24 overview of our facilities, our operational plans, and included in that is an  
25 overall review of obstructions. There are other kinds of technicalities of

1    how this additional regulation will burden not only air carriers but general  
2    aviation reliever airports as well.

3                   Let me just point out a few of those from our experience over  
4    the past 18 months. Number one, conflicting data. In the past 18 months the  
5    state has published a PhotoSlope for us, no one has published its preliminary  
6    results, and the Airport Authority has undertaken its own obstruction  
7    analysis, to the tune of about \$40,000. The results of these evaluations do  
8    not agree, none of them do. Which data do you use in doing that? We are  
9    using, we are trying to take our best faith efforts in removing obstructions  
10   and keeping our approaches clear of obstructions, which leads to a second  
11   element.

12                  What if you're attempting to acquire property and easements on  
13   adjoining property that has an obstruction and which you don't own the  
14   property interest to go in to clear that obstruction? Suppose it's on the  
15   approach and it's one or two trees, instead you have to go through the  
16   condemnation route and eminent domain to acquire that property.

17                  Also, suppose that your runway is in need of overlay and the  
18   Federal Aviation Administration can come up with 95 percent funding and  
19   the sponsor can only muster two percent. Does that mean we're going to  
20   hold up the entire project for three percent and two trees? I would hope not,  
21   because it seems to me at the end of the day the first and foremost is safety,  
22   of course, but it's also preservation and enhancement of our aviation system.

23                  So, I hope you take a closer look at this policy, and just having  
24   seen what the Department has recommended this afternoon, I'm encouraged,  
25   but also realize that obstructions are a moving target. They may be firmly

1 planted in the ground, but at the same time the intricacies of trying to get  
2 those clear, particularly when you don't own a property interest where the  
3 obstruction is located, it's very, very, very difficult.

4 Thank you.

5 MR. OBERNDORF: Anyone else? I assume I'll  
6 hear a motion.

7 MR. COURTNEY: Mr. Chairman and members  
8 of the Board, my name is Mark Courtney. I'm the airport director of the  
9 Empire Regional Airport. I'm also the new president of VAOC. On behalf  
10 of VAOC, I'd like to submit comments from our airport members, and as  
11 some of you have seen some of the comments, I did receive numerous  
12 concerns that were expressed by our members. A lot of it has already been  
13 pointed out by Cliff and Brian.

14 Overall, I did not receive a single e-mail in support of the new  
15 policy. There were some comments made a little bit from the standpoint of  
16 airports being a little embarrassed, which they should be, that did not come  
17 into compliance, but overall, I think the main focus was on the fact that it's a  
18 system that has worked for a long time. There are systems that can or  
19 should be put in place; obviously, when this was brought to light it was  
20 because of the additional engineers and more enforcement of it, and that in  
21 itself will bring additional compliance.

22 Of course, the airports are very concerned about the costs.  
23 They're concerned about where the money is going to come from. Even if it  
24 came from the state, that would result in a diminution of the available capital  
25 funds. Very concerned about the impact on general aviation airports in

1 particular, and with very limited funds, what kind of threat this would bring  
2 to them as far as their financial viability. But overall, it's clear that VAOC  
3 members felt that this was a reaction to something that the Board honestly  
4 wanted to address at the moment, but we thought there was a way to work  
5 this out. We very much appreciate the opportunity to work with the  
6 Department and the partnership there. Hopefully, the Board can consider the  
7 revisions that are proposed; we think they certainly do address a lot of our  
8 concerns.

9 MR. OBERNDORF: Thank you.

10 MR. FRANKLIN: Mr. Chairman, much has been  
11 said about, you know, the small amount of money versus FAA at 95 percent.  
12 I don't think the FAA can do projects, either, if you have obstructions, is that  
13 not right? Terry?

14 MR. PAGE: That's accurate. Our priority is also  
15 obstructions, so we would make that our top priority of funding. We may  
16 not do it at full funding as long as the sponsor is making adequate progress,  
17 and likewise if there are safety needs at the airport we try to fill those before  
18 we take the project, similar evaluation with the Department are important  
19 here. If there are obstructions and the sponsor is not doing anything about it  
20 or it is a safety hazard, we would fund --

21 DR. WAGNER: -- So theoretically, those two  
22 trees could just be --

23 MR. PAGE: -- Depending on the progress that the  
24 respondent is making, if the respondent was doing nothing about it, federal  
25 funds wouldn't be in place under that scenario. We wouldn't slow down the

1 project, require the trees be part of that, as long as we clear them, things in  
2 there by --

3 MR. COURTNEY: Are the written regulations  
4 about that, Terry, take a look at that and make a best guess?

5 MR. PAGE: I'd have to look at our KIP  
6 Handbook. We have an actual handbook that's fairly thick that discusses  
7 priorities for our program and the instructions and standards. I could go  
8 through that and pinpoint the exact section where it brings it out. I don't  
9 have it with me right now, but I could get someone to send it down, and  
10 hopefully by tomorrow.

11 MR. OMPS: Jim, it looks like we should be more  
12 in line with the FAA, the largest shareholder in this thing, basically be  
13 duplicating their regulations, as far as obstruction go, not adding another  
14 level of bureaucracy.

15 MR. PAGE: I think you do pretty much get down  
16 to the standard quota here, 213 is the FAA design standard for determining  
17 thresholds, that's the standard they dealt with based on threshold location  
18 standards based on the type of instructions where the threshold was.

19 MR. FRANKLIN: 5010 did you say?

20 MR. PAGE: 5300-13 change 10 related  
21 conditions.

22 DR. WAGNER: Does that help? Isn't that what  
23 the state and the --

24 MR. BURNETTE: -- I'm sorry, could you repeat  
25 that?



1 DR. WAGNER: Isn't that what we discussed a  
2 year ago to the degree as to what the standard was for the state and federal  
3 requirements for citing for obstructions?

4 MR. BURNETTE: Yes, sir.

5 DR. WAGNER: That's nothing new.

6 MR. BURNETTE: That's nothing new. I will say  
7 that in the manual it was not spelled out specifically, and what we're  
8 proposing today, we have specifically identified the standards that the airport  
9 will be measured against.

10 DR. WAGNER: We have already done that in the  
11 past?

12 MR. BURNETTE: Yes, sir.

13 DR. WAGNER: Just reiterating that the state has  
14 agreed to that?

15 MR. BURNETTE: Yes, sir.

16 DR. WAGNER: Not new.

17 MR. BURNETTE: I would like to point out, and I  
18 don't know the number right off the top of my head, Mike, how many state  
19 props do we do a year?

20 MR. SWAIN: Commonwealth Airport funded  
21 projects, probably about 60.

22 MR. BURNETTE: Sixty, and, Terry, how many?

23 MR. PAGE: Forty.

24 MR. BURNETTE: So we do as many state and  
25 local projects as federal money comes in, so there is the other side of the

1 federal, a lot of state money. As a matter of fact, I think that we spent more  
2 money, we are pretty close --

3 MR. PAGE: -- No way.

4 MR. BURNETTE: Not federal money, but I  
5 think --

6 DR. WAGNER: Are you asking, you're  
7 suggesting that the motion in its entirety, as passed by the Board at the last  
8 meeting, be null, and this go in its place?

9 MR. BURNETTE: Yes, sir.

10 MR. FRANKLIN: One other question. You  
11 know, I've been fighting obstruction for 25 years, and I hope my most recent  
12 obstruction rule will probably be my last, but with the policy, and I don't  
13 know if it's a written policy or not, I guess it is, from what you've said today.  
14 What I'm talking about is, if, for example, you've got projects underway and  
15 you have an active maintenance project or an FAA project for obstruction  
16 removal that doesn't, then those two trees don't get in the way, usually, if  
17 you're addressing the issue. Do I understand that correctly?

18 MR. BURNETTE: Today if you have obstructions  
19 and you have a federal project, we wouldn't recommend 40 percent.

20 MR. FRANKLIN: Even if I had a project, a  
21 maintenance project with you to take it out?

22 MR. BURNETTE: Not in the strict interpretation.

23 MR. OMPS: Not anymore, I don't think we  
24 should.

25 MR. FRANKLIN: I thought if you had an

1 obstruction removal project underway, either with maintenance funds or in  
2 conjunction with the runway improvement or whatever, that generally  
3 speaking, you didn't stop all the money period.

4 MR. MCCRAY: I believe that was the old policy,  
5 but as of August that's changed.

6 MR. FRANKLIN: But what I'm trying to get at,  
7 historically, that's what we've done so you didn't penalize the airport that  
8 was, in fact, trying to remove the obstructions?

9 MR. BURNETTE: If you had a project in place  
10 and removing the obstructions, that's true, and that parallels --

11 MR. FRANKLIN: -- What Terry said?

12 MR. BURNETTE: Yes.

13 MR. FRANKLIN: Thank you.

14 MR. MCCRAY: Mr. Chairman, Cliff, can you go  
15 back to the slide that actually had the language in there about the  
16 recommendations? I think it's important to note that there are two standards  
17 here in reality.

18 One, you're dealing with federal standards, so part of that  
19 confusion, if I could, Mr. Chairman, just so the Board is not confused on the  
20 actual standard that would apply. There are some airports that would not  
21 actually be subject to the feds standard, about how many?

22 MR. BURNETTE: About 15, if they don't have an  
23 approach.

24 MR. MCCRAY: If they don't have an approach.  
25 So, as you can see, Cliff has included in there the VAR regulation that

1 would show up for those airports. Just before I got carried away on the fed  
2 standards being the one and only, that's not really the case.

3 DR. WAGNER: You say if there is a VFR on the  
4 airport they have a set --

5 MR. MCCRAY: -- No, there are airports in the  
6 system, Alan, that are not --

7 DR. WAGNER: -- Eligible.

8 MR. MCCRAY: Right.

9 MR. BURNETTE: They're not obligated.

10 MR. MCCRAY: For federal funds. So those  
11 airports under standards for licensing would follow the standard under the  
12 Virginia regulations, not the fed.

13 MR. OMPS: Why not have the Virginia  
14 regulations parallel the federal regulations?

15 MR. MCCRAY: That's a policy issue that the  
16 Board made several years ago. Some of these airports are local service  
17 airports, Cliff, they could just never get there. So we decided, as a Board  
18 and a Department, that those particular airports are more valuable to the  
19 system, rather than holding them to the strict standards of the fed. Keep in  
20 mind these standards under Part 77 are fairly strict. Some of these smaller  
21 airports that are in the system that provide valuable capacity to the system,  
22 we would just knock them out, and yet we decided that some of those, I  
23 guess 20 to 1 would be satisfactory. So, without beating that to death, I  
24 think we have gone down that road. I just wanted to make sure that the  
25 Board understood there is a small percentage of airports within the system

1 that don't comply with federal, and would not need to, under this particular  
2 regulation.

3 MR. LOVE: Mr. Chairman and members of the  
4 Board, I'm Joe Love from the Chesapeake Regional Airport. I would like to  
5 echo a lot of what I've just heard, but specifically I'd like to talk to just this  
6 area of projects that are ongoing to correct a known and existing obstruction.

7 Having been involved in two airports in the Virginia Airport  
8 System over the last 12 years, I've seen it at both airports. Most of the  
9 obstructions are trees, we're not talking about some tower that shows up, and  
10 it's 200 feet up into the approach, or something like that. It's a tree, and  
11 when it's identified it's normally no more than two, three, four feet into the  
12 approach path, and so Part 77 service.

13 In the past the policy, as we just described, was it is identified,  
14 you immediately start taking action to correct it, and that project, if it's  
15 funded by the state, is approved, and then other projects also approved  
16 because you were actively involved in correcting that situation. I would just  
17 like to recommend that whatever we do, and I'm not sure I fully understood  
18 what Cliff put up there, but I would like to see the policy we established  
19 maintains that aspect of being able to continue with other projects while  
20 you're correcting, actively correcting the obstruction.

21 DR. WAGNER: It's identified, it's a tree, it's on  
22 your property. How long does it take to get it done?

23 MR. LOVE: Normally, it's not the fact that it's on  
24 your property. The answer is that if it's on your property you could probably  
25 do it fairly quickly, very quickly being within 30 days you should be able to

1 get it done, if it's on your property.

2 DR. WAGNER: Sixty days --

3 MR. LOVE: -- Most of the obstructions that we  
4 see are not things that we're not controlling ourselves, it's something that we  
5 either, one, have an easement, but you still have to go notify the people.  
6 Lots of times the ownership has changed since you were last involved with  
7 it, you have to go through an ownership check, then you have to do legal  
8 notifications, the entire thing takes a while. In a case over at Suffolk we  
9 didn't even have the easement, we had to go negotiate directly, put on our  
10 best face and work with the folks, and then got approval to do the  
11 obstruction removal.

12 My experience, and I'm not saying that's universal experience,  
13 but my experience is it's not normally the obstructions on the airport that  
14 cause the problems it's the obstructions off the airport that grow up into the  
15 approach surface, and once you are aware they are in the approach surface  
16 it's identified, and you start taking action to correct it. As long as you're  
17 doing that I feel like you should be able to move forward with other  
18 business.

19 DR. WAGNER: There are really two different  
20 classes, one is the owner, and one is the --

21 MR. LOVE: -- That's possible.

22 MR. KELLY: I'm Bill Kelly, and I'm the manager  
23 of the New Kent airport. You can also have obstructions that are on your  
24 property that will take longer to get rid of because occasionally those  
25 obstructions are in an RPA or in wetlands. In that case, if you're going to

1 use state funds to deal with that obstruction, you're going to have to do some  
2 type of a coastal zone consistency paper and submit that before all that stuff  
3 can get approved. Sixty days for coastal zone, very often it takes two to  
4 three months to get back.

5 MR. LOVE: Joe Love, again. Let me answer that.  
6 I'm glad you reminded me of that, because at the airport I'm at, wetlands are  
7 definitely a factor, and when you're dealing only airport it can take much  
8 longer if you have to deal with the wetlands issue.

9 Thank you.

10 MR. FRANKLIN: Mr. Chairman, Cliff, could you  
11 tell us how, is this provision of being able to continue with grant work if  
12 there's an active and reasonable obstruction program, is that addressed in  
13 your new scenario, your proposed policy?

14 MR. BURNETTE: In all honesty, I would like to,  
15 I would modify it with some additional language to make that fair. I don't  
16 think that's clearly stated today.

17 MR. FRANKLIN: I personally, again, haven't  
18 been there. I think you need to do that just because of the fact of the  
19 complications we're looking at. You know, it's true when those two trees on  
20 the airport, to get a guy, to get Joe with a chainsaw, then the truck and take  
21 care of it -- I can't talk without my hands -- but when that tree is on  
22 somebody else's property and in some cases you may not even have a  
23 navigation easement on it, or you may have a property owner that's been  
24 suing you for 20 years, because I've been there. You know, that's when you  
25 can't remove those two trees, and yet you're still obstructing. I think if

1   there's mitigating, not mitigating circumstances, I guess, but if there are  
2   complications and there is an honest effort being made by the airport's  
3   sponsor in question, that that ought to be considered, personally.

4                   MR. BURNETTE: Yes, and I'm sure we have  
5   some folks we could craft that type of language. One thing I would, from  
6   our standpoint, that when we get these requests in and we have to make a  
7   recommendation to you, we would prefer something more finite, I wouldn't  
8   want to say black and white, there's always gray in there, but if there were  
9   mitigating circumstances we would rather come to you with a  
10   recommendation than have the sponsor come to you and say, okay, that's the  
11   Board's recommendation, no hard feelings, we believe and request to you to  
12   say, okay, you've got mitigating circumstances, those trees have been there,  
13   whatever. We need a little help so we can process those requests. Our goal  
14   is to treat everybody fairly, not that there aren't mitigating circumstances,  
15   that's what this Board is here for.

16                  MR. FRANKLIN: Policy.

17                  MR. BURNETTE: To make those decisions. We  
18   try to, we want something that we can apply fairly to all airports when we  
19   receive a request.

20                  MR. FRANKLIN: Would you think about that  
21   between now and tomorrow?

22                  DR. WAGNER: Mr. Chairman, if I might, as I  
23   recall, the reason the Board took action was because of what had happened.  
24   Everybody was screaming they weren't going to get their money, and there  
25   was a question of honesty or intent when people were signing -- obstruction.



1 With all due respect, and I understand the importance of the clarification that  
2 we have a unanimity and understanding of what is and what is not an  
3 obstruction and what code we agree to. This does not prevent another  
4 catastrophe that happened last August. They can throw a whole bunch of  
5 things at you in two years, all -- not going to get any. Or for some reason  
6 somebody comes by and they cited you and you're obstructed and the money  
7 stopped. That's how much it --- now, obviously for clarity, and as you come  
8 to understand the law and the consequences probably for air carrier airports  
9 or air reliever airports because they're held to a yearly standard, then it may  
10 not be necessary but then again they have the one-year duration of the  
11 PhotoSlope or whatever you use and we didn't put a priority as to which is  
12 more important and bring to our attention the gee, and not everybody's  
13 surveys agree, survey says what we would think it's something to work  
14 through, and something to take under consideration with the Department.  
15 But again, the heart of the matter, why this all came about, was so that you  
16 folks wouldn't have the same thing happen again. This does not affect that.  
17 It does help on what the obstruction is and what the obstruction isn't. We do  
18 understand it needs to be consistent, between the different categories of  
19 airports and what the sponsor --- and what is necessary. Other than that, I  
20 see no clarification and no change to prevent a catastrophe from happening  
21 again ---. But I appreciate your effort.

22 MR. OBERNDORF: Any other comments? I  
23 assume we'll have a motion tomorrow.

24 MR. BURNETTE: Well, I heard Mr. Franklin  
25 kind of make a request of the staff. Do you want us to take a stab at

1 modifying what we propose this policy for tomorrow?

2 MR. FRANKLIN: Mr. Chairman and Cliff, I just  
3 would like to see us think about that, whether we actually put it in a motion.  
4 I'd just like to hear you all, I've heard some of your thoughts already, you  
5 know, I think if I heard what you're saying, maybe it would be better to  
6 leave it out, and then come to the Board for an exception.

7 MR. MCCRAY: If it's the Board's intention to  
8 follow that, Mr. Franklin and Mr. Chairman, if I might, just sitting here  
9 looking at that, it wouldn't take more than about 15 minutes to take this.

10 MR. FRANKLIN: Could you bring us the  
11 proposal on that?

12 MR. MCCRAY: I could do that today, but that  
13 would be up to the Chairman.

14 MR. OBERNDORF: Well, could you have  
15 something for us tomorrow morning?

16 MR. MCCRAY: That'll be fine.

17 MR. OMPS: Cliff, how much is being held, is  
18 anything being held up right now because of this motion?

19 MR. BURNETTE: Excuse me, we have some  
20 maintenance and some security problems that we're sitting on.

21 MR. CARTER: We need some direction on what  
22 Cliff had brought about earlier, whether or not obstructions at an airport  
23 impact those items just as we, he brought out in his presentation. So yes,  
24 there are projects that are being held up right now until we know what  
25 direction you want us to go in.

1 MR. OMPS: I really think the maintenance and  
2 security issues would not be included. Maintenance and security, that needs  
3 to go forward, no matter what's going on.

4 MR. OBERNDORF: You can make the motion  
5 tomorrow, make the motion to modify it, a substitute motion.

6 MR. OMPS: Thank you.

7 MR. BURNETTE: So I understood you'd like to  
8 see the motion say if you have obstructions you're still eligible for  
9 maintenance funding and security funding?

10 MR. OMPS: Yes.

11 MR. BEALL: Could there be different degrees of  
12 maintenance funding?

13 MR. BURNETTE: Mr. Beall said, do you hold  
14 maintenance funding to say we would remove obstructions with  
15 maintenance funding, certainly a worthy, then there -- with maintenance  
16 money, purchase a lawn mower with maintenance money. Do you want  
17 something more specific with maintenance money? It already says here that  
18 obstruction removal and mitigation projects, we could use maintenance  
19 money to fund them.

20 MR. OMPS: Whenever you use the term  
21 maintenance, I was thinking more like maintenance for safety purposes.

22 MR. BURNETTE: Obstruction removal.

23 MR. OMPS: Yes.

24 MR. BURNETTE: Well, that, first bullet, the  
25 exception would be obstruction removal and/or mitigation projects, we

1 would fund that with maintenance money.

2 MR. FRANKLIN: What if a roof was damaged?

3 UNIDENTIFIED: What about an AWAS?

4 MR. BURNETTE: That would fall under the last  
5 bullet where we say the safety of the flying public, and we would fund that  
6 with F&E money. We'd use the appropriate funding authority to address  
7 those exceptions.

8 MR. OMPS: You're not going to have anything  
9 that's going to cover everything you can cover, you've got some gray areas.

10 MR. BURNETTE: Yes, when you say, when you  
11 wanted to say except for maintenance projects, you realize you're talking  
12 everything from spending money on safety related like obstructions, but you  
13 also need to go and allow them to have obstruction, but you allow them to  
14 buy lawn mowers.

15 MR. OMPS: My intention was for safety.

16 MR. BURNETTE: Then that's the same.

17 MR. OBERNDORF: You can go beyond that, too,  
18 and say those projects tentatively prevent loss of property, you want to pass  
19 before the next meeting?

20 MR. BURNETTE: Yes, I need to probably talk  
21 about the exceptions a little bit further. Obstruction removal and/or  
22 mitigation projects to be funded with maintenance money, planning projects  
23 to identify obstruction would basically include if we did an obstruction  
24 analysis and fund it either with maintenance, or we could use capital money,  
25 or it could be to do a master plan, and in the master plan you do obstruction

1 analysis, identify the obstructions. Security plans and audits, we fund those  
2 with security funds.

3 Projects, and the last one, projects deemed by the VAB  
4 Chairman and DOAV as critical to the safety of the flying public. For  
5 instance, Joe's example of an AWAS goes down, or your ILS goes down,  
6 we'd be out there to fix that. If you have a hurricane come through and it  
7 takes your roof off, we'll be out there to fix the roof or assist you to fix that  
8 roof. So that's, the emergency is pretty broad, and it's the Chairman's  
9 discretion. I see this vision this work like a missed opportunity where we  
10 get that telephone call with the problem. The Department would initiate a  
11 call for the Chairman, discuss it, and then disseminate their decision to the  
12 Board members.

13 MR. KELLY: I'm Bill Kelly, New Kent County  
14 Airport. If you're going to start evaluating projects in the maintenance  
15 program, you're creating more gray areas than we have now, because, for  
16 instance, a beacon light, is a beacon light going to be considered a safety  
17 issue; if you have a beacon light out you need to get it fixed. At that point  
18 you're going to have to go through a process now to replace that beacon  
19 light. It seems like by breaking the maintenance program up and trying to  
20 differentiate between safety issues and non-safety issues and obstruction  
21 issues you're creating more work for everybody than just eliminating or just  
22 taking the maintenance program out of the process altogether.

23 Thank you.

24 MR. OBERNDORF: We'll look at that with the  
25 motions made by the Board; actually, I guess we could let it go along

1 enough to become an obstruction.

2 Let's move on to the funding requests.

3 MR. SWAIN: Mr. Chairman and members of the  
4 Board, good afternoon. You have some new sheets in front of you today, the  
5 blue sheets are changes to the original Board package; from now on if you  
6 see the colored sheet, that means that needs to be swapped out with the ones  
7 you had originally. The colored sheets, the blue sheets in front of you are  
8 the original memo, some changes to that, results of a change to our  
9 Tappahannock/Essex County Airport recommendation and a minor change  
10 on the Emporia recommendation. Please consider those when we get to that.

11 You've also got three other paper-clipped little stacks, courtesy  
12 of the Virginia Resources Authority, that came in on Thursday a little too  
13 late to get into the Board package for these to be loan applications, the three  
14 airports that we need to discuss. Typically, we discuss those first.

15 If you could pull out those white sheets, three separate paper-  
16 clipped groups, and I'll briefly go over those. As you are aware, VRA  
17 requires that this Aviation, or requests that the Board and its staff review  
18 airport-related projects that are requesting loan funds from the authority.  
19 Typically, we review these to make sure that they meet all the same  
20 requirements as you would require for capital improvement projects. All  
21 three of these airports, Hanover County, Middle Peninsula and Tazewell  
22 County, are requesting VRA funding for hangar site prep or hangar projects,  
23 hangar site preparation projects. All three of these, the Board has funded  
24 site preparation and some sort in the last year, so we've already reviewed  
25 those and gone over them and everything. We're simply going to be asking

1 tomorrow that the Board endorse these three requests so we can forward  
2 them on to VRA and the action that's taken.

3 I'll highlight for you quickly, Hanover County is looking for a  
4 2.1 million dollar loan to build numerous clear span and T-hangar buildings  
5 on site, that's using federal and state monies to pay for site prep construction.  
6 Middle Peninsula Regional is looking for a loan of a little over 480 thousand  
7 dollars from VRA for T-hangar buildings, I believe it's two sets of six, and  
8 Tazewell County Airport is requesting a VRA 100 thousand dollar loan to  
9 purchase an existing clear span hangar that's owned by a private entity, as  
10 well as T-hangar site preparation. They also have funds, existing projects  
11 that is ongoing today.

12 Next, in your original documentation, the first sheet was the  
13 Commonwealth Airport Fund. This would be a white sheet, and it's not one  
14 that we changed out on you. It says Commonwealth Airport Fund across the  
15 top. This is the balances that you have as of the end of September, air  
16 carrier reliever funds, there is a balance of \$2,522,819.52, and then the GA  
17 discretionary fund, there is a balance of \$17,370.42.

18 The next sheet should be the blue memorandum from Cliff  
19 Burnette to the Board highlighting some changes to those numbers which are  
20 going to change the totals that are going to be available to you for  
21 tomorrow's allocation. I'm not going to go over each one of these, but notice  
22 the financial report balance is the same at the top of the first page.

23 If you flip through to the last page, what most of this activity is  
24 is returning the balance of grant balances of projects that have been  
25 completed but we've been having to verify with the sponsor that they don't

1 need those remaining funds. There is one administrative increase. There  
2 was a return of a tentative allocation that was not used. You'll see the new  
3 funding totals under the subtotal for air carrier relief discretionary,  
4 \$2,587,241.25. The subtotal under GA, we uncovered upwards of  
5 \$148,513.39. Unfortunately for the GA airports out there looking for  
6 funding tomorrow, we have a big IOU for William Tuck for T-hangar site  
7 preparation project in the manner of \$173,400 that 148 and some odd dollars  
8 is obligated to William Tuck, which leaves a balance of zero dollars  
9 available in the General Aviation Discretionary Fund for tomorrow.

10 Next, if you'll turn to your summary sheet for the air carrier  
11 reliever airport discretionary fund, it's the original white sheet. Just briefly,  
12 you'll see that there are five, this is recommended projects, there are five air  
13 carrier, excuse me, or actually five reliever airport projects that we'll be  
14 recommending funding for tomorrow.

15 The next page should be a blue sheet with the General Aviation  
16 Airport Recommended Projects, showing five projects under Tappahannock.  
17 Cliff Burnette is going to discuss these a little further and that we're going to  
18 be recommending funding, even though there are no funds available for  
19 these projects.

20 The next sheet, which will be blue, is the General Aviation  
21 Airport Non-recommended Projects, which there are ten projects that have  
22 some sort of issues, so we're recommending no funding due to lack of funds.  
23 As we started giving you as of the August Board meeting, there are  
24 numerous spreadsheets in here, which we will not discuss unless you wish  
25 to, showing activity of this current fiscal year. With the Commonwealth



1 Airport Fund and facilities and equipment program, maintenance program,  
2 the GA security program, voluntary security program and aviation  
3 promotion and air service development fund, they are there for your review  
4 at your leisure.

5 Mr. Chairman, we'd like to start with Region 4 because of a  
6 situation that may require some discussion, if that's all right.

7 MR. OBERNDORF: All right.

8 MR. SWAIN: Cliff Burnette is going to highlight  
9 these.

10 MR. BURNETTE: As Mike is pulling this up, I'm  
11 often the inside joke at the Department, and I don't consider it a joke but this  
12 is my retirement project. Some of you out there will be glad to hear that on  
13 May 2nd next year I'm eligible for retirement.

14 MR. FRANKLIN: He's threatening to stay.

15 MR. BURNETTE: Randy always said that if you  
16 look at the glass half full or half empty. You know, Randy, with regard to  
17 pay, if I stay home I can make half of what I'm making now, so in effect on  
18 May 1st I'd get a 50 percent pay cut. We were debating this, but anyway,  
19 okay. This is my retirement project. This has been something, this is  
20 actually pretty hard for me to talk about today, because as hard as we tried at  
21 the Board meeting to get it right, we didn't; let me just say that, and I'll just  
22 go through this and explain it. When you're dealing with 150 plus or more  
23 projects, a lot of things going on, sometimes you whip. Okay.

24 We heard of "Perfect Storm," Dr. Wagner, this is mine, this is  
25 the August Perfect Blizzard. If it went wrong, it went wrong. Here's what

1 happened. After we got back from the Board meeting and started to write  
2 the memo to the sponsors of what transpired, we realized there was some  
3 confusion on our part. On Wednesday the Board had before them their  
4 Board package, all the white sheets like we started this meeting. And all  
5 those white sheets said, in addition to some other projects, Tappahannock  
6 where we recommended funding for the fuel farm and the spill prevention,  
7 control and counter measures plan. I'm going to refer to that as the SPCC.  
8 But then we informed the Board that we had received, I don't like to use the  
9 word opinion, excuse me, John, but guidance from the Office of the  
10 Attorney General. An airport with obstructions could receive an increase to  
11 an existing grant or tentative allocation, even though they had obstructions.  
12 As a result of that we handed out the blue sheets, because based on their  
13 opinion Williamsburg/Jamestown received funding for 114 thousand for  
14 their T-hangar site prep; that was the recommendation. That kicked out  
15 those two Tappahannock projects, the fuel farm and the fuel prevention.  
16 That was the causal effect when we made that sheet that kicked those two  
17 projects out. This is where we whipped. On Thursday when we briefed you  
18 individually on each airport, we didn't tell you we changed the  
19 recommendation to not recommended. Okay. On Friday the Board voted by  
20 region, okay. So we believe that it was a conflict with two different  
21 recommendations. Based on discussions with some of the Board members,  
22 they believed that they were voting for those two Tappahannock projects,  
23 some of them believed they were not. By including those two projects, we  
24 received the GA allocation for that year. So in other words, we have another  
25 South Boston issue. All right, that's what happened in August. After

1 August, the discussions with Essex County, we were trying to figure out  
2 how can we get this project completed, because they're almost there, folks,  
3 they're almost there. After we resolved what happened in August. We had a  
4 very good meeting with them, and I appreciate their time. So, one of the  
5 things we suggested to them, maybe to submit all their projects, and we  
6 would, the initial idea was let's look at them, and maybe it's a multi-year  
7 plan. Maybe we could fund these multi-years over time, because they still  
8 have a sizable amount of money that they were requesting.

9 Well, I'm sorry for the eye chart, this replicates what's in your  
10 Board package for their request. I can't even read it. This lists all the  
11 projects that they submitted for this month. Terminal Building Furniture  
12 Plan, fueling system and SPCC, which were the two August projects.  
13 Access road increase, terminal building furniture, public use areas only,  
14 apron expansion and REIL's, clear span T-hangar design, clear span T-  
15 hangar construction. I'll come back to the green in a second. Okay. So,  
16 looking for a total amount of state money, \$638,967 rounded. Now, if the  
17 Board, some of the Board members were here back in 2004, I believe it was,  
18 December, matter of fact, December 15th, there was discussion about the  
19 basic airport unit. We don't believe that that list of projects really meets the  
20 test for multi-year. We do believe those projects marked in the green do.  
21 This is an excerpt from that resolution that was passed by the Board. Please  
22 allow me to read it to you. "Whereas, the Virginia Aviation Board in  
23 support of the Commonwealth's Air Transportation System, in order to  
24 develop and define the appropriate facilities comprising the Basic Airport  
25 Unit, for purposes of serving the public good; hereby resolves that the basic

1 airport unit be comprised of a runway, airport lighting system, visual  
2 navigational aids, stub taxiway, aircraft parking apron, terminal facility,  
3 automobile parking, airport access road, fuel facility."

4 Okay. We believe that those three projects meet this test. So  
5 what are we recommending? Here we go. The Terminal Building Furniture  
6 Plan is not an eligible item. The two yellow projects, Fueling System,  
7 SPCC. Believe it or not, the Department always likes to try to, a little arrow,  
8 as Jim Bland would say, an aside, sponsor. Therefore, our recommendation  
9 to the Board is this. We recommend that you allow a one time only, allow  
10 the sponsor to construct that fuel system, get reimbursed after the fact, and to  
11 do the same for the SPCC. That 112,000 will be taken off the, it'll be an  
12 IOU treated like South Boston and fund them, they would not have to  
13 compete for that money.

14 The next three projects, Access Road Increase. We recommend  
15 that they be allowed to construct that with their money and then get  
16 reimbursed after the fact. However, in August we would score that project,  
17 and then that project would have to compete against all the other airports.

18 Same thing for the Terminal Building Furniture, we would  
19 approve it, and they could go buy it and reimbursed after the fact; they  
20 would have to compete.

21 Apron Expansion & REIL's, same thing. They can build it and  
22 get reimbursed, but they have to compete for it.

23 Now, Mike mentioned we're out of money. The last two items,  
24 Clear Span T-Hangar, not recommended, we don't have enough money to  
25 fund that. We do not believe the last two items meet the test for the basic

1 community, and because we don't have the design money to pay for the  
2 design, you have to have the design before we pay for the construction. So,  
3 we wouldn't recommend those last two projects. That, we believe, is the  
4 solution to the situation within.

5 At this time I'd like to ask Len Wadsworth from Essex County  
6 to come forward and address this problem.

7 MR. WADSWORTH: Thank you, Cliff. I'm Len  
8 Wadsworth from the Tappahannock area. If you want an obstruction, come  
9 to our water tower. First of all, I want to thank the Board. For a number of  
10 years now we've been pretty good friends, and I appreciate all the help that  
11 you all have put in our project, and the state and the federal government, and  
12 it's something we couldn't do without your help.

13 We think this plan will work for us; the only concern I'm just  
14 having is when we compete for the funding in August, if we don't get  
15 funded, could we then compete at a later funding date?

16 MR. BURNETTE: Yes.

17 MR. WADSWORTH: We have a really  
18 enthusiastic home crowd behind this project, we're almost ready for paving,  
19 and we're excited about it. The community is stepping up to fund these  
20 things, and we just hope you all can agree to this. We're good to go with it,  
21 and I appreciate Cliff's hard work with it. We'd like to be open and have an  
22 airport and have all you down for a grand opening by June of next year.

23 Thank you.

24 MR. OBERNDORF: Thank you, sir, we're  
25 looking forward to the demise of that water tower.

1 MS. RADCLIFF: I'd just like to thank, also thank  
2 Cliff and the Department for working on this. I feel like we voted as a  
3 Board on this, first the yellow project, and it's unfortunate what happened,  
4 but the counties have been great on this; that's not something that we always  
5 see, it was reported to me to get this done, and I know everyone is very  
6 happy when Tappahannock comes out announcing, and I'm happy  
7 individually, and we're almost there, but I feel, I think it's a really good  
8 solution, and it's requiring a lot of work, and we hope you all support it  
9 tomorrow.

10 MR. OBERNDORF: Thank you. Any other  
11 comments?

12 MR. OMPS: I don't want to beat a dead horse, but  
13 instead get a CPR, and get Bob. I personally am opposed to this Board  
14 buying furniture for the terminal. I think we've put enough money into the  
15 airport that the community, no more than you're talking about, that the  
16 community can step up to the plate and furnish it in a manner that we deem  
17 appropriate for a new facility. I hear about carpeting, replace carpeting,  
18 replace furniture, but if you can't maintain the public area of the terminal  
19 building, you should have some in the first place, that's my personal feeling.  
20 Lord knows we're strapped for giving funds out that are really needed for  
21 safety factors and everything else, that it just bugs me that we do that. That's  
22 my two cents.

23 MS. RADCLIFF: I don't fundamentally disagree  
24 with Mr. Omphs on that. I guess my point, we're spending a lot of money to  
25 get this up and running, the FAA is spending a lot of money, the locality is

1 spending a lot of money on it. It's very unfortunate to have a beautiful  
2 terminal building and a lawn chair sitting there because we don't do anything  
3 else. I don't necessarily think they need to be refurbishing anything. I've  
4 had my couch now for 12 years, but I do think we want to make sure that  
5 what's out there is decent looking to begin with, and if they want to get a  
6 fabric five years down the road they can recover it themselves 100 percent. I  
7 would note that they will have to compete, and so if you think it's a terrible  
8 idea, my guess you're not the only one, and it will probably fall down on the  
9 priority list. I don't think it's going to take many things critical in other  
10 airports, so I guess that's the situation where the priorities probably will  
11 work to your benefit. If we're going to change things, I'd like to wait until  
12 after the airport is up.

13 MR. OMPS: But I want mine first.

14 MR. OBERNDORF: Thank you.

15 MR. SWAIN: All right, Mr. Chairman, we'd like  
16 to start with Region 1 on our funding recommendations. The first request is  
17 from New River Valley Regional, requesting funds to lower an obstruction  
18 light tower in the amount of \$6,000. Apron rehabilitation and design  
19 construction project, \$18,947.37, that's an FAA-funded project. DOAV  
20 recommends disapproval of the apron rehabilitation project, as the airport  
21 has unmitigated FAA Part 77 obstructions. The sponsor was notified in  
22 2001 that a PhotoSlope survey had identified these subject obstructions. The  
23 specialized tower lowering project will be funded through the maintenance  
24 program.

25 MR. OMPS: Is that the only obstruction he has,

1 the obstruction light?

2 MR. SWAIN: They had removed quite a few, I  
3 believe that is the last one. They've got some trees that they removed around  
4 this light, they're going to keep it up there, they're just going to lower it to  
5 mark these trees, even though it's going to be below the Part 77 surfaces, as I  
6 understand it. The other end is supposed to be fully cleared.

7 That's the only one in Region 1.

8 In Region 2 we had no requests.

9 Region 3, we start with Front Royal, Warren County Airport,  
10 request for T-Hangar Site Preparation Phase 2 Design, \$32,000. Staff  
11 recommends disapproval of the project. There is insufficient  
12 Commonwealth Airport Funds.

13 Next we have Gordonsville Municipal, requesting funds for an  
14 airport layout plan in the amount of \$30,338.40. Staff recommends  
15 disapproval of this project, as the sponsor did not provide original copies of  
16 required documentation by the secondary deadline that was provided. In  
17 addition, there's a lack of Commonwealth Airport funds.

18 Next is Stafford Regional. Four requests, airport layout plan  
19 update increase in the amount of \$1,200, wetlands mitigation permit fees  
20 increase in the amount of \$750, apron expansion phase 2 design, \$3,000, and  
21 those three projects are FAA funded, also. Then fourth is the T-hangar  
22 number 4 site preparation design, \$36,000. Staff recommends conditional  
23 approval of all projects. The airport has unmitigated FAR Part 77  
24 obstructions, and the sponsor was notified on September 15th of this year  
25 that a re-licensing survey had identified these obstructions. Therefore, the



1 Staff recommends funding, on the condition that all obstructions be  
2 mitigated by November 15, 2006, which is a 60-day window, following  
3 current Board policy.

4 MR. FRANKLIN: Mike, is there, what type of  
5 obstruction, is there a reasonable expectation that they can be accomplished  
6 or is this one of those things that probably ain't going to happen anytime  
7 soon, to use a country phrase.

8 MR. SWAIN: I'd like to call either John Hart or  
9 Chad Weaver, one of the officers to describe the obstructions they had.

10 MR. HART: I'm John Hart with the Department of  
11 Aviation. Stafford has trees, I believe, on the other side of 95, and they were  
12 looking to see if they had rights to cut them down or whether they're on  
13 VDOT property.

14 MR. BURNETTE: Isn't that the one on VDOT  
15 property?

16 MR. HART: Yes, this might take longer for them  
17 to coordinate the work through VDOT.

18 MR. FRANKLIN: It's unlikely that will happen by  
19 November?

20 MR. HART: I would say it wouldn't happen by  
21 November 15th.

22 MR. OMPS: Are they all associated with the  
23 Department of Transportation? This isn't Homeland Security or anything  
24 like that we're talking about. I don't understand why there would be a big  
25 problem within, it sounds like an in-house project, why would that be a

1 problem?

2 MR. CARTER: They also have to go through the  
3 environmental processes, and also, Mr. Omph, just like what took place in  
4 the median. We went through an obstruction removal project in the median  
5 of 95, we had to come back and landscape it after the trees were taken down  
6 to fulfill the requirements of VDOT. Excuse me, I'm Vernon Carter,  
7 Department of Aviation. I don't think it's going to happen in that 60 days.

8 MR. SWAIN: Keep in mind that 40-some of those  
9 60 days have already passed, also. I don't know where we stand.

10 Any more questions on Stafford?

11 MR. OMPS: November 15th is the deadline on  
12 that?

13 MR. SWAIN: We notified them September 15th  
14 to give them 60 days.

15 MR. OMPS: If I'm hearing correctly, on  
16 November 15th this whole thing, or this whole recommendation for Stafford,  
17 goes away?

18 MR. SWAIN: Yes.

19 MR. BURNETTE: Yes. The way we understand  
20 the Board's policy, we would pull that recommendation, at the next Board  
21 meeting we would recommend that you pull that tentative allocation back.  
22 So that's additional time that that tentative allocation fund would be sitting  
23 there, not being used.

24 DR. WAGNER: Whereas with the old policy,  
25 there would be nothing approved, correct?

1 MR. BURNETTE: That's right.

2 DR. WAGNER: And the new policy you're  
3 suggesting, you don't have a shot at it.

4 MR. SWAIN: Also, Mr. Omps, that raises a  
5 question as to, this staff does not have authority to pull any allocations, we  
6 don't allocate anything.

7 MR. OMPS: I understand.

8 MR. SWAIN: The sponsor can voluntarily give  
9 one up, or the Board can pull it. I think we had a question once about at the  
10 end of 60 days is that GA supposed to expire, or do we have to wait until the  
11 next Board meeting and have Board action to withdraw that GA?

12 MR. OMPS: That's the question I was asking  
13 earlier.

14 MR. SWAIN: We're not clear on that.

15 MR. BEALL: In any event, it will not be  
16 reallocated until December or whenever you all meet again, if that's the next  
17 meeting.

18 MR. OMPS: Is there any way to expedite that type  
19 of thing? Does everyone have to protect their turf and all get in a quagmire?

20 MR. BEALL: There is a state law, originally the  
21 General Assembly has told the Highway Department that they can't cut trees  
22 willy-nilly.

23 MR. PAGE: How about this Board?

24 MR. BEALL: Ask them about funding, as well.

25 MR. SWAIN: The reason for,

1 Tappahannock/Essex County, we've already discussed these projects, and I  
2 believe you've seen the figures. Our recommendation, following Board  
3 policy, you have the basic airport unit and administrative oversight at the  
4 August Board meeting. As Cliff mentioned earlier, the staff recommends  
5 approval of the spill prevention, control and counter measures plan and the  
6 fueling systems plan. With those two projects not having to compete in  
7 August, we put them at the top, and also recommending approval of the  
8 apron expansion and runway and identifier lights, terminal building  
9 furniture, airport road not AIP increase, with those three projects having to  
10 compete at the August Board meeting. Staff does not recommend approval  
11 of the terminal building furniture plan, it is not an eligible project, nor the  
12 clear span/T-hangar site preparation design or construction projects, due to  
13 insufficient funds and not having bids.

14 MR. FRANKLIN: Question, Mr. Chairman.  
15 Furniture Plan, is that an interior decorator or --

16 MR. SWAIN: -- We don't know what that's for.

17 MR. OMPS: What is the Furniture Plan?

18 MR. WADSWORTH: If the Board pleases, I'll be  
19 happy to discuss what a furniture plan is, if it pleases the Board. In order to  
20 procure furnishings, Virginia State have to come up with their specifications,  
21 because furnishings, the public seating furnishings, are so homogenous you  
22 have to come up and hire someone to develop that for you who have the  
23 technical expertise to develop the specifications to meet the standards of the  
24 Virginia Public Procurement Act. You also need advice and assistance on  
25 how and where to lay out the furnishings. It's not an inconsequential

1 expense; we just completed the acquisition of over \$60,000 of interior  
2 furnishings for the terminal. We have over a thousand people a day that  
3 utilize our terminal building and don't have a place to sit, and so the  
4 objective is to acquire quality products that will last a long time. The  
5 furnishings that just went into our facility replaced the units that are 15 years  
6 old. Most of the seating you see in air carrier airports lasts a very long time.  
7 Fifteen years is rather common. It's not something that airports are out  
8 purchasing every five years. In order to get that top quality product, it is  
9 worthwhile spending the needed resources to ensure that you get that  
10 product.

11 MR. OMPS: How do you get the furniture if you  
12 never have the plan, at least not the paper plan, is that what it is?

13 MS. RADCLIFF: They also help you with your  
14 VDOT tree problem.

15 MR. SWAIN: Next is Region 5. The William M.  
16 Tuck Airport. They're requesting funds for an airport drainage improvement  
17 design construction in the amount of \$14,840. Staff recommends  
18 disapproval of the project, insufficient Commonwealth Airport Funds.

19 Region 6, you should have a new blue sheet for  
20 Emporia/Greenville Regional. The request is for drainage system  
21 rehabilitation design in the amount of \$37,506.40. Staff recommends  
22 disapproval of the project, because the airport has unmitigated FAR Part 77  
23 obstructions. Sponsor was notified in September, 2005 that a survey had  
24 identified these obstructions. I can tell you they are working on these  
25 currently, and the latest date of completion is November 30th.

1                   That leaves Region 7, starting with Chesapeake Regional,  
2 request for an environmental assessment north terminal area increase,  
3 \$2,820, and this is an FAA funded project. Staff recommends approval of  
4 the project.

5                   Suffolk Municipal requested funds for an extended runway  
6 safety area construction increase in the amount of \$35,472.27. Staff  
7 recommends disapproval of the project. Currently there are no FAA funds  
8 programmed for the project. In addition, the airport has unmitigated FAR  
9 Part 77 obstructions, of which they were notified on July 13th of this year.

10                  The other issue with Suffolk is that this project has been  
11 delayed, and it is going to be pushed back until fiscal year '08. Part of the  
12 \$60,000 worth of funds were uncovered in the GA Program, came from the  
13 GA that was issued in August, unfortunately they're not ready to go forward  
14 with this construction project. Those funds will be going to William Tuck,  
15 and I believe that's it.

16                  Questions?

17                         MR. OBERNDORF: It's time for my remarks.  
18 Again, I want to welcome our new member and hope you enjoy yourself  
19 coming on board.

20                         MR. PORTERFIELD: Thank you, very much, Mr.  
21 Chairman.

22                         MR. OBERNDORF: I'm glad we were able to  
23 discuss some things in detail, especially starting with obstructions, and I  
24 think we'll come up with a plan that will be satisfactory to the Board and to  
25 the staff and the Virginia Aviation community.

1                   Now, it's time for public comments and questions. Anybody  
2   that would like to comment, please come up and take the microphone and  
3   identify yourself. Everybody's happy. Board members, any Board members  
4   have any comments?

5                   MR. BURNETTE: Airport meeting following.

6                   DR. WAGNER: No, no submittals, or nothing to  
7   submit to the Chair.

8                   MR. MCCRAY: Also, there's a 7:00 p.m. dinner  
9   at Chicago Grill. The Board members and the audience are invited to Uno  
10   Chicago Grill at 7 o'clock for dinner. Could we have a show of hands of the  
11   people that might be able to attend so we can get appropriate seating for  
12   that?

13                  Thank you, Mr. Chairman.

14                  MR. OMPS: Mr. Chairman, I do have one  
15   question. The obstructions, I haven't gotten a single e-mail on that. Is there  
16   any way we could kind of have a central clearing for that, we could all get it  
17   broadcast to the members of the Board?

18                  MS. RADCLIFF: It's not just you. I didn't get  
19   them until very, very recently, an airport folder.

20                  MR. OMPS: Some kind of a central clearing  
21   house, Board members would know what's going on in the other regions  
22   before coming to the meeting and be more prepared.

23                  MR. BURNETTE: I'll be glad to do that. Forward  
24   those to us, and we'll --

25                  MR. OMPS: -- I just thought, people are

1 concerned about it. I'm sure Dr. Wagner --

2 DR. WAGNER: -- With your kind assistance and  
3 leadership.

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5 NOTE: Meeting adjourned.

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1                               NOTE: The Virginia Aviation Board reconvenes  
2 on October 25, 2006 at 9:10 a.m.

3  
4                               MR. OBERNDORF: I'll call the regular meeting  
5 of the Virginia Aviation Board to order. Do I hear a motion on the Minutes?

6                               MS. RADCLIFF: Move to accept them.  
7 (Second.)

8                               MR. OBERNDORF: All in favor? (Ayes.) All  
9 opposed? (No response.) The ayes have it.

10                              We'll start with the Department of Aviation Report.

11                              MR. BURDETTE: Good morning, ladies and  
12 gentlemen of the Board, and audience. I'd like to give you an update on  
13 what's been going on with Virginia Aviation a little bit to-date.

14                              Our vision is to be the best aviation system throughout the  
15 nation. Our mission continues to be threefold: Advance an aviation system  
16 that is safe, secure and provides for economic development;  
17 promote aviation awareness and education; and provide executive flight  
18 services for the Commonwealth leadership.

19                              On the way to cultivate an advanced aviation system we had a  
20 VSATS Virginia title lien on August 29th laying out the framework for  
21 future technology and ADFD's and the technology out there and how best to  
22 incorporate that.

23                              We also have a special guest with us today, Mr. Ralph  
24 Stephenson, Project Manager of Virginia Economic Development  
25 Partnership, and he is going to tell us a little bit about air space going on in

1 Virginia.

2 Ralph, would you come up?

3 MR. STEPHENSON: You're all in luck, because I  
4 got a call yesterday that doesn't give me enough time to prepare a power  
5 point presentation. Randy wanted me to speak briefly on a new park that is  
6 in Accomack County, and it's adjacent to the entrance of Wallop's Island,  
7 NASA Wallop's. I guess you're all aware that in the past there was nothing  
8 outside the gate. Maryland had a park about 15 miles from Wallops.  
9 Accomack County and the Marine Sciences Consortium and NASA Wallops  
10 have banded together, and they have a new park called the Wallops Research  
11 Park, Wallops Island Research Park. There are several challenges.

12 Number one, there are three members, so if you're recruiting  
13 people to move in the park, or companies to move into the park, you need  
14 one entity to deal with. They're interviewing a project manager to handle the  
15 park, and they hope to have somebody on board by December 1st.

16 Another challenge is that the infrastructure for the park has not  
17 been set. In 2002 a study was done by an engineering firm; this really didn't  
18 proceed past that point. They're going to interview an engineering firm and  
19 bring them on board by December 1st.

20 Another piece of the puzzle is the water and sewer system.  
21 NASA Wallops had an existing system, and they are wanting to deed that  
22 system over for day-to-day operations to Accomack County. So, they're in  
23 negotiations now to see how that would work, what level of maintenance the  
24 county would need to perform on the system.

25 These three entities have, naturally, three different reasons for

1    wanting to be in this. Accomack County wants the business and jobs and  
2    investment. NASA Wallops wants the companies to do business with them  
3    to be able to be right outside the gate. The Marine Sciences Consortium  
4    wants to educate people interested in the facility to be built there.

5                   I call on the Aerospace and Defense Industry, and my interest in  
6    the park is to bring jobs and capital investment to Virginia. This park has  
7    two companies at the outset that want to build facilities in the park. If you're  
8    familiar with industrial parks and the way they usually work, the county or  
9    locality will come up with some money, and they'll build the infrastructure,  
10   and then it'll sit for a period of time, sometimes months and sometimes years  
11   and sometimes decades. We have two companies that want to locate in this  
12   park. One of the companies needs access to NASA Wallops, the runway,  
13   and that is being worked on now. The Department of Housing and  
14   Community Development is appropriating \$700,000 to be used in the  
15   development of the infrastructure of the park, and all we need now is for the  
16   engineering firm to be brought on board and the roads be laid out and the  
17   infrastructure to be designed.

18                   This is an exciting thing for that area and exciting for  
19   Accomack County and exciting for Ralph Stephenson recruiting aerospace  
20   and defense firms, the firm that wants to do business with Wallops right now  
21   is right outside the gate. This thing is going to move fairly fast. In  
22   December there is going to be a space launch, and Governor Kaine is going  
23   to be present at that. If we receive permission for the two companies we're  
24   courting to locate there, then we'll make an announcement of the two  
25   projects at that time. This is a great thing for Virginia and the Eastern Shore

1 and Accomack County.

2 I'll field any questions you may have on that.

3 MR. BURDETTE: I think that will be great for  
4 the commercial airspace issue on that level, and we're excited to help, to  
5 work with you and see what we can do to help promote that.

6 MR. STEPHENSON: I'd like to make one more  
7 statement. We were recently in Orlando, and the using agencies have their  
8 own little territory. Randy and I were working together, and we made a  
9 couple of sales calls on prospective companies in Virginia, and that was  
10 really good. I hope something will come of that. We look forward to seeing  
11 you.

12 DR. WAGNER: Alan Wagner, Region 7. I'm  
13 thrilled and excited to hear, and I think the general public, because anything  
14 that believes as -- I think the Governor, as well as everyone else, is very  
15 excited that we're doing things on the cutting edge in our state and people  
16 are able to work together. I think innermost transportation and how we  
17 decide to promote it and the idea of community and economic development  
18 in the state, it's nice to have water, rail and air, and the state is on the leading  
19 edge, particularly coming out of Accomack.

20 Thank you for being here, and look forward to hearing a lot  
21 more from you.

22 MR. BURDETTE: Ralph is part of the economic  
23 partnership that we work with on a routine basis to help bring more  
24 economic opportunities to our airports and to our communities, and so we're  
25 glad to be working with him on this aerospace project, and hope to hear

1 great things.

2 On the space side, we had our meeting October 2nd with the  
3 new FAAST representative in New York, Joe Foresto, and reorganized the  
4 FAA safety teams now. They don't report to the, they're centralized out of  
5 New York with host areas here in the Northern Virginia area and one here in  
6 Richmond. We met with them and went over safety programs and some  
7 things to work together on.

8 On the Safety Program, a briefing by Mike Mills. I wanted to  
9 do that now.

10 MR. MILLS: Good morning Mr. Chairman and  
11 members of the Board. This morning we'd like to discuss the number of  
12 accidents, what the type or categories of aircraft, were there injuries or  
13 fatalities, weather conditions at the time, the residency of the pilot, probable  
14 causes for the last three years, the trends, our aviation safety education.

15 So far, in 2004, we've had 20 accidents; 2005, 13; and so far  
16 this year we've had 20. As you can see, we've had 13 single engine  
17 accidents this year. So far this year, we've had seven fatal accidents. Over  
18 the last three years, 45 of the 53 accidents have been VFR. This is just to  
19 give you a trend of the accidents, percentage-wise we probably have had  
20 more out-of-state pilots having accidents this year, as opposed to the other  
21 years.

22 Now, of the accidents of which there have been probable cause  
23 determined, you can see the loss of control during landing, it was the big one  
24 in 2004, 2005 and 2006, so far. These are the accidents that have probable  
25 cause determined. So far, three of those are loss of control during takeoff.

1 MR. OMPS: Mike, the loss of control, is there any  
2 mechanical determination factor, or is that just simply the pilot lost control?

3 MR. MILLS: As best we can tell, it's just pilot.

4 MR. BURDETTE: Control in flight.

5 MR. MILLS: We've had two series of safety  
6 seminars this year, and we had the 25th Annual Virginia Aviation Safety  
7 Week, and keynote speakers, Captain Al Haynes, Greg Feith, who is a  
8 former investigator; Rod Machado and Mark Grady. That week in June we  
9 reached over 500 pilots, and the topics were takeoffs and landings, cockpit  
10 resource management and emergencies. We're really trying to work towards  
11 the things that people are having accidents.

12 Again, in October, we have Air Safety Foundation Seminars in  
13 Richmond, Danville, Blacksburg and Manassas, and one other place, too, I  
14 think. We concentrated on emergencies, and you can see the number of  
15 pilots who came to those seminars. It's usually a fewer number in October.

16 Does anyone have any questions?

17 MR. DIX: What was the, on the slide, fuel,  
18 something about the cutoff switch?

19 MR. MILLS: Activation of the unguarded fuel  
20 shutoff switch. I'll check on that for you and get an answer for you next  
21 time. Maybe changing hands, or something like that, is my guess, I'll check  
22 to make sure.

23 Any other questions?

24 We've had a difficult 2006, more than we had in the last two  
25 years. We've had two recent fatalities last week at Culpeper and one in

1 Shannon, and those are very unfortunate. Jean Carter, who worked with one  
2 of our pilots, tracked the safety information. She was talking this morning  
3 with her. There are some silly mistakes being made; there doesn't seem to  
4 be a reason for it.

5 DR. WAGNER: As far as the pilot organization  
6 that we work with -- what is the relationship we have to the FAA, as well as  
7 perhaps -- things like that?

8 MR. MILLS: I know the agency, we have not  
9 been doing anything safety-wise, unless Carolyn with the seminar series, did  
10 you do anything?

11 UNIDENTIFIED: The ultralight.

12 MR. MILLS: The ultralight, that's not --

13 UNIDENTIFIED: -- No.

14 MR. MILLS: No, really not much. That might be  
15 something we need to look at.

16 DR. WAGNER: As far as being able to target  
17 them for safety?

18 MR. MILLS: The EAA?

19 DR. WAGNER: As well as looking at --

20 MR. MILLS: -- We've involved Petersburg, and  
21 we've also tried EAA as part of -- we're working together. Thank you.

22 MR. BURDETTE: On the security side, we've got  
23 95 percent participation in the Secure Airport Program, three privately-  
24 owned airports that are in transition. Smith Mountain Lake, New London,  
25 Hartwood has begun the process to return to private use, a privately owned

1 airport coming out of the public system. We'll work with them on this  
2 process.

3 We have completed three security trained audits with Virginia  
4 State Police at Chesterfield, Abingdon, and Winchester. We've trained  
5 about 20 State Troopers.

6 Our upcoming Security Audits, November 7th in Chesterfield  
7 and December 2nd at Ingalls Field, using Virginia State Police, to get a level  
8 of standardization, if you will.

9 Virginia Aviation Security Advisory Committee meeting  
10 September 22nd, and our next meeting is on December 7th at the Fusion  
11 Center. On the 22nd we met with TSA and had a good tour of their  
12 operation. They're going to come down and see our Fusion Center; they  
13 were not aware of what we were doing here for our security information so  
14 they're coming down to visit us during the next visit.

15 We're exploring a state program, double lock program for  
16 General Aviation aircraft. We're talking about brochures, flyers and those  
17 kinds of things to encourage pilots to use a double locking system. It can be  
18 a door lock or a prop lock or a chock, wheel lock, whatever, some way to  
19 promote additional security on the ramp for our aircraft. We're looking at  
20 modeling after the AOPA system, which considers a hangar one method of  
21 locking, things we can do to ensure that aircraft or not used or taken out of  
22 the proper ownership. This is a volunteer program, and this is information  
23 sharing, trying to get people to be more secure. I'm surprised when we have  
24 major functions, and even at major airports sometimes you'll see a lot of  
25 aircraft that have open doors, unlocked doors, and stuff of that nature. We



1 want to see what we can do to raise the security level.

2 The Secure Commonwealth Panel 1st Meeting was focused this  
3 year on Pandemics and Avian Flu. Aviation was not a topic of discussion.  
4 We're glad to hear that. Our next meeting is scheduled for November the  
5 29th.

6 DR. WAGNER: The avian flu?

7 MR. BURDETTE: Yes. The Commonwealth  
8 Security Working Group Meeting is October 26, and this is the first time  
9 we've ever been on that panel. Last year we were not able to get on it. This  
10 year we will have an aviation position on it. That's good news.

11 We have an Aviation Security Technology Symposium  
12 November 27th to December 1st, and AAAE having a Security Summit, and  
13 we'll be attending as well.

14 Providing for economic development, we met with Jerry  
15 Yeagan at Virginia Beach Airport on the Air Races September 4th.  
16 Chairman Oberndorf was there. We had limited discussion then, and we had  
17 subsequent telephone call. Mr. Yeagan would like to continue the Air Race  
18 issue, and he is willing to do the major portion of the funding himself. So,  
19 we'll work with him, and he's trying to locate a part-time employee to work  
20 solely on his Air Race issue, and we'll meet with him.

21 Met with Farmville Airport Authority members September  
22 21st. Delegate Abbitt, Delegate Hogan and VAB member Rick Franklin and  
23 had a very productive meeting and Delegate Abbitt, we thank him for his  
24 participation, and looking forward to continuing to grow with the Farmville  
25 Airport.

1                   Had a VRA Workshop we participated in at Tazewell, and  
2                   Keith attended that for us, and promoting the aviation aspects in the region.

3                   Also, met with Culpeper Airport Authority on October 13th and  
4                   had very good feedback on all the things Culpeper is doing for that  
5                   community and how we can help them with that.

6                   Aviation awareness and education. At the recent state agency  
7                   Ambassador Program we awarded our fiftieth gold Ambassador jacket. We  
8                   have now awarded a father and daughter team, two father-son teams, we  
9                   have our first award for a North Carolina resident coming up through the  
10                  program, and one from Maryland who came down for the program. We're  
11                  getting good feedback from participants who are at various stages in that  
12                  program and have had pretty good feedback from the airports, Tazewell and  
13                  other airports saying it's getting a few people out that they didn't see  
14                  normally. So, that's good.

15                 Participating Sponsor of the National Conference on Aviation  
16                 and Space Education. Seeing what other locations are doing and how to  
17                 improve the education and participating in that.

18                 Legislative Affairs. Submitted three DOAV Legislative  
19                 Proposals. One is land use legislation to prohibit non-compatible land use.  
20                 Very general in nature, trying to get our foot in the door and then take our  
21                 regulations and specify what is not the kind of land use, and what kind of  
22                 distance we're talking to protect the airport.

23                 Financial responsibility to allow letter of credit. There are  
24                 some aircraft out there that are experimental thst have a difficult time getting  
25                 insurance or cannot get insurance. Right now the letter says basically you've

1 got to put up \$50,000 cash or bond to the state in order to fly. We're saying  
2 maybe a letter of credit would accomplish the same thing. Does the state  
3 really want to get in a position to hold securities? And, we're going to see if  
4 we can get that allowance for our people who are right now flying without  
5 any insurance or any type of coverage.

6 The last is to standardize airport registration for private-  
7 owned/private-use airports. Looking at all these airports as a registration  
8 process as opposed to a license registration process.

9 Also, putting a budget amendment in for \$25 million to  
10 replenish the VRA Airport Revolving Fund. That fund was established  
11 about five years ago, and it's been very well utilized, and we're getting about  
12 a five-to-one return on that and helping airports with resources. We've got  
13 about four million left for this year. We're expecting this year's  
14 requirements will replenish that fund. By going back and asking for 25  
15 million to supplement the fund, we hope we'll get into a revolving status.  
16 When the fund was established five years ago, they hoped that 25 million  
17 would be revolving. The loans have gone longer than anticipated, and  
18 repayment is not truly revolving at this point, and we're hoping an additional  
19 25 million will get us there, with shorter loan terms, we can get it back into a  
20 revolving status.

21 For those that don't know about VRA's, a system we use for  
22 airports, T-hangars, commercial hangars, things that are revenue generating  
23 and help them get funds that we can't get through the Board for projects.

24 MR. PORTERFIELD: What are the requirements  
25 for the insurance, VA?

1 MR. BURDETTE: Generally, to be able to fly in  
2 Virginia you have to have a license, which is about \$5, tags registered with  
3 the state, and you have to show proof of financial responsibility, talking  
4 about insurance. If you're got insurance on the aircraft, whether it be your  
5 normal provider, what we've done, a segment of our flyers in the state of  
6 Virginia who can't get insurance, some home-built, experimental. I,  
7 personally, have a hard time getting insurance on a home-built helicopter,  
8 had a time trying to buy some kind of insurance. There are a lot of people  
9 out there that they just won't provide insurance, the ultralight and so forth.

10 MR. MCCRAY: Just like your automobile, on  
11 your license you check that box.

12 MR. PORTERFIELD: I understand there's an  
13 uninsured motorist fund that you can get. I was wondering about the policy  
14 for aircraft flying around that don't have insurance.

15 MR. MCCRAY: They're not supposed to, and if  
16 you have a license from the Commonwealth, that license ensures, in the  
17 flying community, that you have insurance. We don't issue insurance, Karen  
18 does that for us, unless you get a certification of insurance. In our case, it's  
19 not just checking a box, we actually require certification.

20 MR. BURDETTE: On promoting awareness and  
21 education, we've had a big two months there on seminars, conferences,  
22 workshops and trade shows. We attended the Louisa County Annual  
23 Airshow September the 2nd, there was amazingly good attendance,  
24 considering the weather that day.

25 New Kent, unfortunately, had rain and flooding, trees down,

1 and they had to cancel theirs.

2 Twin County Fly In, we couldn't make that one. I heard it went  
3 okay, but I don't know.

4 Mid Atlantic LSA Show at Sky Bryce had bad weather; seems  
5 like a group that's interested.

6 We attended a Freight Conference at the Virginia Port  
7 Authority, September 19th, looked at aviation freight and communications.

8 Stafford Airport Wings Wheels and Ducks, September 24th.

9 Mountain Empire Fly In, couldn't make that one.

10 Hummel Wings and Wheels had a good turn out, had a lot of  
11 cars.

12 Virginia EAA State Fly In, we haven't had the review of that,  
13 had a great turnout on Sunday.

14 Virginia Transportation Conference, that went very well.  
15 Secretary Homer and other speakers were there.

16 Culpeper Regional Airport Airfest was going well;  
17 unfortunately it ended in a tragedy, there was an accident.

18 NBAA Orlando, we attended that, and they broke all attendance  
19 records this year, and we had a lot of activity around the booth. As  
20 mentioned earlier by Ralph, Keith and I and Ralph talked to several potential  
21 people about relocating and doing business in Virginia.

22 Upcoming Events. VAHS has their Annual Meeting/Auction at  
23 the VAM November 4th.

24 Virginia Health Association Meeting in Williamsburg  
25 November 5th.

1 Maintenance Workshop in Chesterfield, November 8th and 9th.  
2 Space Ship One Movie and Burt Rutan speaking at the VAM  
3 Museum November 11th.

4 VAOC Meeting in Charlottesville December 5th.  
5 VAB next meeting coming up December 12th and 13th.  
6 A couple of things coming up.

7 DR. WAGNER: The Central State AVA, which is  
8 a group of people that have experimental aircraft, there is going to be an East  
9 of the Mississippi Fly-In to Suffolk this coming weekend, Saturday and  
10 Sunday. That's the first annual one in Suffolk, and there will be an open  
11 house that night; you can find it on the web.

12 MR. BURDETTE: If you want to mention  
13 something like that, put it on our web and help promote it. If you get  
14 involved, we'll help promote it. I encourage all the airports, if you let us  
15 know when you've got an event, we'll put it on our website and help you  
16 know what you're competing against and what other things are going on up  
17 there, and that'll be helpful for everyone concerned.

18 Provide Executive Flight Services for the Commonwealth  
19 Leadership. Completed independent safety assessment of flight operations  
20 using ARG/US, one of the top two in the country doing that type of work.  
21 No part 91 violations, which we operate under.

22 We did find several opportunities to improve, using the  
23 industry's best standards. Mike and the team are looking to be one of the  
24 best in the industry and looking to incorporate those best standards. We  
25 might be the first one to go to the gold status under Part 91.

1                   We're working to procure replacement aircraft under contract,  
2                   or by the end of the calendar year.

3                   Personnel changes we had, David Hope has been introduced as  
4                   the new Chief Pilot for us, and we're in the process of hiring a new pilot.  
5                   Sonny Rea is the new Maintenance Officer, and we're in the process of  
6                   hiring a maintenance technician.

7                   Key to Success, as was mentioned earlier, is basically  
8                   teamwork. The Department is not big enough to do it all ourselves, and we  
9                   reach out to the community. Obviously, the Virginia Aviation Board and the  
10                  FAA, and these are some of the motivations we work with. VHA is up  
11                  there, and AOPA, Virginia Airport Operators Council, Aviation Foundation,  
12                  a lot of organizations, we work with them to get the job done, and we're glad  
13                  to be working with them.

14                  Sir, that concludes my briefing this morning.

15                                 MR. OBERNDORF: Any questions from the  
16                                 Board? Thank you.

17                                 FAA Report, Terry Page.

18                                 MR. PAGE: Good morning, thank you, Mr.  
19                                 Chairman and members of the Board, the Department, ladies and gentlemen.  
20                                 I have a short report this morning with four items I believe are of interest to  
21                                 the Board and to the Virginia aviation public.

22                                 The first item is that October is the start of the new federal  
23                                 fiscal year, Happy New Year to everyone; it's the government's way of being  
24                                 ahead, it's already the next year for us, three months ahead.

25                                 I do want to report out on 2006. October is the time of year

1 every year we report to the Board on what we've accomplished in 2006. I  
2 have put in front of you a copy of our funding, a rough draft of the August  
3 conference in Roanoke. This has final numbers and exact numbers of that  
4 project, and I believe there is enough for everyone in the audience to have  
5 one also.

6           You'll notice in 2006 federal grant totals just over \$80 million.  
7 Averaging these over the years, the average annual number would be around  
8 67 to 68 million dollars. So we're on the higher end of the average, but  
9 looking at this, to me, doesn't say anything. It's money, and money is  
10 important, but it doesn't tell you what we accomplished, it just tells you the  
11 dollar amount.

12           So, I'll turn the page and summarize what types of things we did  
13 in Virginia, where this money was invested, what we bought with this  
14 money, that's the important thing, the safety projects, the past improvements,  
15 the rehabilitation and preservation of our aviation system we bought not only  
16 for Virginians but our national system of airports.

17           On the second page, we spent over \$13 million on safety  
18 projects, over \$10 million on rehabilitation and preservation of the existing  
19 infrastructure projects, \$17 million on new projects; a lot of that was the  
20 runway at Lynchburg and Tappahannock, those two projects alone. The new  
21 airport at Tappahannock and the runway at Lynchburg accounts for 13  
22 million of that 17.

23           One thing that jumps out here is that on the planning side there  
24 was only about a million dollars worth of federal funds for airport master  
25 planning or environmental study, and that seems low to me. Normally we



1 have a lot more than that. It seems like if we're not planning ahead we're  
2 going to have problems later, so that's something that's a little bit alarming,  
3 and maybe it's a fluke this past year. Maybe years before we spent a lot  
4 more on planning, and that's why this year it happens to be down; that's  
5 something we need to keep up with, always.

6 Capacity projects, the biggest project, a \$37,000,000 project,  
7 was the new runway at Dulles, that project is under way, and it's on schedule  
8 and moving quickly. It's scheduled to be open in the fall of calendar year  
9 2008, so two years from now that runway is scheduled to be open, if  
10 everything goes according to schedule.

11 And the last, we have a new category we haven't had for a  
12 number of years, actual projects that we can fund from general revenue  
13 airports, fuel farms, the T-hangars, those types of things.

14 The next two pages are the actual grants, if anyone wants to see  
15 the real dollars, what airports they went to, that's all on the next two pages.  
16 That closes out 2006. 2006 was a very good year for federal funds, near the  
17 top three or four we've had since 1999.

18 The next item I've got is 2007, we're already in 2007, and our  
19 federal funding program for 2007 is fixed. Each airport in Virginia will be  
20 getting a letter from our office telling them 2007 is fixed, here's a copy of  
21 your capital improvement program we have for your airport; give us any  
22 comments you've got on 2008, 2009. We're planning ahead to start  
23 implementing 2006. Those letters are coming out from our project engineers  
24 to all the airports in Virginia. Sponsors should be aware of what's on  
25 schedule for this year, start putting those projects in place, get the

1 consultants lined up and getting your designs together and getting what you  
2 need and give us the grant application.

3               We're expecting this year to be as big as any other past years.  
4 The federal program should be in the 3.5 to 3.6 billion dollar range,  
5 approximately what it's been this past year and the year before. So there's  
6 plenty of federal funds there, and we're anxious to have a program and  
7 capture as much of that money as we can for Virginia. So, the 2007 program  
8 planning is in place. All the sponsors need to take a look at that. We sent a  
9 copy of that to the Department, also. I printed out a copy of the entire state  
10 program and gave it to Cliff yesterday so we'd have it for the Virginia staff.

11              The third item on my list is the FAA is conducting a survey of  
12 aircraft based at airports. This is the first year this has been done. They're  
13 doing similar to what the Commonwealth already does. They're trying to get  
14 together a good count of aircraft based at airports. How we determine how  
15 many aircraft are based at airports, the only way to do that is actually get a  
16 count with end numbers or tail numbers or other information like that and tie  
17 it up. The FAA has hired a consulting firm to do that for us, GCR, which is  
18 a firm that does 5010 surveys and other surveys for the FAA. They're going  
19 to be reaching out to the airport managers in Virginia and all states, trying to  
20 get together a listing of aircraft that are based at airports, the reason being  
21 that the new federal program for grants runs out this year. After 2007 our  
22 federal appropriations for the grant program, or the federal authorization,  
23 expires. Looking at the authorization and the airport improvement program,  
24 they're exploring some ideas of changing the formula for funding smaller  
25 airports. Right now, the way the federal funding program works for air

1 carrier airports, there are five different categories of airports, from the  
2 largest airport like National or Dulles, and then the median size like Norfolk,  
3 then the smaller ones at Richmond, and some that are non-hub airports, and  
4 small commercial service airports. There are five different categories for the  
5 carrier airports. There are over 600 airports, but for general aviation, 2 or 3  
6 thousand general aviation airports, you have one category. They all get  
7 \$150,000. They're looking at splitting that up a little bit finer, trying to  
8 maybe give out some money based on the number of based aircraft at the  
9 smaller airports. The more aircraft you have, the more federal grants you  
10 get, at least they're guaranteed. So that's the plan, trying to identify which  
11 airports have which airplanes. So we ask that the airports participate, assist  
12 GCR with this survey. If an airport elects not to do it, that's okay, and they  
13 don't have to, but they get a zero for based aircraft.

14 MR. BURDETTE: Does this mean the base  
15 money, the \$150,000, we'll lose at the small airports, or are we talking about  
16 an increase for the larger airports?

17 MR. PAGE: Both, the answer to your question is  
18 yes. Obviously, we carry out the programs that Congress puts in place;  
19 that's our duty. The FAA works with Congress and advises and  
20 recommends, tries to work with them, work the best to solve what there is to  
21 be done. This has been kicked around, and this is just all an idea, that  
22 airports that have over 100 based airplanes might get 4 or 5 hundred  
23 thousand dollars guaranteed, instead of the current 150. If you've got  
24 between 30 and 150, you might get \$200,000. If you've got 10 airplanes to  
25 30 airplanes, you get \$100,000. If you have less than 10 based airplanes, you

1 still are eligible for the discretionary category, you may not get a guaranteed  
2 amount. Some formula such as that, that might not be the exact formula, but  
3 that's one straw man that's out there. It'll be a graduated non-primary  
4 entitlement amount based on the number of aircraft.

5 We're aware that doesn't tell the whole story. You can have  
6 airports that have very few based airplanes and still serve an important role.  
7 It might be like Hot Springs that has access to Homestead in the area but  
8 doesn't have a whole lot of based airplanes there. It's an important business  
9 access point.

10 So, hopefully, people that are working with Congress will play  
11 that out and see if there's some other practice that might crank into that  
12 formula. There's a survey coming out, and this is just asking the airports to  
13 participate. The information will be confidential and not be shared outside  
14 the federal and state agencies.

15 The last thing on my agenda, we had a meeting not too long ago  
16 with James City County concerning exploring their aviation needs and need  
17 for an airport with them in their area of James City County and  
18 Williamsburg and that area of the state. Since that time we have received a  
19 request from James City County for funding for, a plan for them for their  
20 community to see if they need, a plan for their county to see if they need  
21 aviation services and how best to meet that aviation demand. We have  
22 found them to be an eligible sponsor for federal grants, responded back to  
23 them, and we are programming funds for this coming year for them to  
24 conduct such a study and let them see what the various options are, how  
25 much demand for aviation services in the county, how they meet that

1 demand. Obviously, they may elect not to do anything at all, but at least  
2 they'll have the information in front of them to determine the demand and  
3 make some decisions. So James City County is coming on board, at least  
4 they're eligible for planning. That's an important little step ahead.

5 That's all I've got, Mr. Chairman, I'll certainly take any  
6 questions from the Board or the audience.

7 MR. OBERNDORF: Does the Board have any  
8 questions? Does the audience? Thank you.

9 Next we'll have the Virginia Aviation Operators' Report.

10 MR. COURTNEY: Good morning, Mr. Chairman,  
11 and members of the Aviation Board. My name again is Mark Courtney. I'm  
12 the Director of the Lynchburg Regional Airport, and I was honored to be  
13 selected back in August as the incoming President of the Virginia Airport  
14 Operators' Counsel.

15 Just to give you some perspective on the VAOC, or a little bit  
16 more than you've heard. We figured most recently that the VAOC  
17 represents a total of 39 airports out of approximately 70 or so airports in the  
18 Commonwealth. More revealing, though, we also found that VAOC  
19 member airports are home to a total of 3,735 based aircraft. That accounts  
20 for some 83 percent of all based aircraft in the state. We're still doing some  
21 calculations on operations, but we suspect operations will be higher than  
22 that. We know that's not good enough. VAOC would like to represent all  
23 airports in the state, and that's why in the coming year VAOC, the Board has  
24 established a goal of counting as its members 100 percent of the public use  
25 airports in the state. We're about to embark on a membership campaign, just

1 to make that happen. In fact, we're hoping it will be successful and we can  
2 come up with 110 percent of the airports in the state. But nonetheless, we're  
3 very encouraged and very confident that we're going to be able to realize  
4 that goal.

5 MR. OMPS: That's called --

6 MR. COURTNEY: -- We're trying to make sure  
7 that we include all of those unlicensed rogue airports out there. Going hand-  
8 in-hand with that goal, the greater membership in the coming year is going  
9 to increase VAOC's participation and involvement in the various policies of  
10 the VAD and the programs of the Department of Aviation and the impact on  
11 member airports. In essence, we want to be more active partners with you  
12 and the Board and the staff and with the aviation community as a whole.

13 As evidence of this, I'm going to bring out a few initiatives that  
14 the Board has undertaken. We're currently making a renewed effort to meet  
15 among ourselves to discuss issues, coordinate our position, so that we're able  
16 to speak with one voice, one voice of airports in the state. We also want to  
17 have greater active participation with the Board and with the staff through  
18 the Airport Program Manual Advisory Committee. We certainly appreciate  
19 the opportunity to be part of that.

20 We're also mobilizing our VAOC member advocacy effort on  
21 issues such as the recent obstruction certification issue. Following  
22 yesterday's workshop, for instance, VAOC is very encouraged by the new  
23 proposal that Cliff has presented yesterday. VAOC remains concerned, of  
24 course, that in the present form that there are additional costs to airports,  
25 particularly additional costs, very significant costs to smaller general

1 aviation airports, those airports that can least afford these added costs.  
2 VAOC feels there is currently a system in place, that greater enforcement  
3 has already been undertaken with the additional resources that the state  
4 Department of Aviation brings to it, and that there is sufficient redundancy  
5 in place, as Mr. Page pointed out yesterday, as far as the FAA, to ensure that  
6 many situations involving noncompliance are caught.

7 Now, the goals I've outlined previously. Another effort on the  
8 part of VAOC, programs such as the John Leonard Scholarship Program, the  
9 VAOC Fall Maintenance Workshop, which by the way Randy mentioned  
10 November 8th to the 9th, Chesterfield County, again, as well as the Spring  
11 Workshop and others, will continue that VAOC valuable statewide  
12 organization with airports. We see ourselves playing a critical role as you  
13 do within the state. We're the owners and operators of the various  
14 infrastructure that is critical to make aviation possible in this state. We also  
15 realize, and we live every day with the fact that we're the most heavily  
16 regulated industry with many levels of state, federal and local compliance  
17 that we have to meet. But we also recognize and appreciate the valuable role  
18 that you play by overseeing one of the best state aviation programs in the  
19 nation. We appreciate all the support that we receive, both from the  
20 Department, as well as the Aviation Board.

21 Thank you. Are there any questions?

22 MR. OBERNDORF: Thank you very much. Are  
23 there any questions from the Board? Any questions from the audience?  
24 Thank you.

25 Next is old business and discussion of the Obstruction

1 Certification Policy.

2 MR. BURNETTE: Good morning, Mr. Chairman  
3 and members of the Board. Yesterday we had some very good discussion on  
4 obstructions. At the end of the discussion yesterday, I want to go back over  
5 this, and there was some discussion about addressing those airports that have  
6 an active or have a grant in place or a grant allocation, and that are actively  
7 pursuing and removing their obstructions, and whether or not they should be  
8 excluded from receiving any discretionary money.

9 For those of you who were not here yesterday, can you all read  
10 that, I'm not going to read it to you. Basically, it says that if you have  
11 obstructions you're not eligible for any discretionary funding, with the  
12 exception of obstruction removal or mitigation, planning, a study such as  
13 obstruction analysis, security plans and audits, and emergency projects or  
14 safety related projects. Mr. Franklin raised the question about airports with  
15 ongoing mitigation projects and requested that we provide some additional  
16 language to address that. This morning we put some language together. We  
17 offer that there are three options. In the first sentence, if an airport has  
18 unmitigated obstruction but the sponsor has a grant or a maintenance  
19 allocation and the project is moving forward, they are eligible for  
20 discretionary funding. That is a consideration.

21 Number two, if an airport has unmitigated obstructions, then  
22 VAB may entertain the sponsor's request for an exception at its meeting.  
23 The issue with this one, a decision made at the meeting could affect funding  
24 of other airports. In other words, an airport showed up and asked for an  
25 exception, and you said yes, and then we're going to have rack and sack a



1 project if we presented it to you, or we would have to prepare multiple  
2 funding scenarios before we got there. So, that has some problems.

3 Finally, the third one, if an airport has unmitigated obstruction,  
4 the sponsor may request the VAB for an exception; however, they must  
5 submit an application to compete for funding at the next VAB meeting and  
6 demonstrate a mitigation plan. This allows the Board to make a decision, it  
7 doesn't impact the current request, and the sponsor will still have to compete  
8 for that funding.

9 So our preference is number three, because it's a managed  
10 report and a measured approach and it does not impact those airports that are  
11 in compliance, if the sponsor has obstructions and is moving forward, can  
12 still get in the game for funding. So, those are some suggestions for  
13 consideration.

14 MR. OBERNDORF: Do I have a motion from the  
15 Board? Then we'll have discussion.

16 DR. WAGNER: The motion in August?

17 MR. OBERNDORF: Which option to take as it  
18 applies to changing our policy on obstruction.

19 DR. WAGNER: Can someone read what the  
20 present policy is?

21 MR. BURNETTE: The present policy?

22 DR. WAGNER: We're comparing the present, and  
23 we need to have the present policy on obstruction and the standard one --

24 MR. OBERNDORF: -- The obstruction --

25 DR. WAGNER: -- We need specifically the

1 changes.

2 MR. BURNETTE: This was the motion that was  
3 approved to be considered current policy from the August Board meeting.

4 DR. WAGNER: Which part of this are we  
5 amending? You have three points to this, and it affects one point. I'm sorry,  
6 I think one of the things that I heard from the motion, the clarity with which  
7 we go by the process and the discussion. So, if I understand, for everyone's  
8 sake, exactly what is being switched for what? You provide us a version of  
9 what to do when there is an obstruction at an airport and a request for funds.  
10 Now, which one of the three points is this to swap out for?

11 MR. BURNETTE: All three.

12 DR. WAGNER: There would be no issue for the  
13 justification and validate the obstruction clearance, and there would be no  
14 60-day grace period, once there is found to be an obstruction.

15 MR. BURNETTE: Right.

16 DR. WAGNER: So, you're saying this is like  
17 business as usual, say for a smaller -- that's why there's a discussion on it --

18 MR. BURNETTE: -- Okay. The policy that the  
19 Department is recommending is this policy with the number three bullet  
20 added at the end.

21 DR. WAGNER: So actually you need two  
22 different motions because one, or are you saying that your motion would be  
23 to consider one of these three and the sub-component part of the first item --

24 MR. BURNETTE: -- Yes, sir.

25 DR. WAGNER: Would be a substitute of the

1 present Board policy. So, it's got to be an even larger motion, I believe,  
2 because we can't move, I don't mean to -- Mr. --- for the record. The point  
3 there isn't because this is a smaller component part of something that we  
4 have had a motion to move on. So, there first has to be a motion from  
5 someone on the Board who would want to change the present policy that we  
6 have for what is being suggested; but the suggested part, no one knows what  
7 that is going to be.

8 MS. RADCLIFF: It would be easier if we could  
9 add one of these three. We decide which of the three we'd like to add to the  
10 others.

11 DR. WAGNER: Correct.

12 MS. RADCLIFF: Why don't we do that?

13 DR. WAGNER: So it's clear what we're doing and  
14 why.

15 MR. OBERNDORF: Any other discussion? Do I  
16 hear a motion?

17 MR. FRANKLIN: You say make a motion  
18 regarding --

19 MS. RADCLIFF: -- I guess my point is we don't  
20 need a motion to get whatever one of these you want to tack on the end. I  
21 guess I would suggest that number three seems reasonable to me. We would  
22 attach that onto the end of the language that we're considering.

23 MR. FRANKLIN: Mr. Chairman, you know, I  
24 think, having talked to most members of the Board, I think there's a general  
25 consensus that what we did in August was great, and I admire the two

1 members who made the motion and seconded it. Some on the Board have  
2 said we needed to do this to get the attention of the state airports so they  
3 know we're serious about obstructions. But, I think now, obviously, the  
4 airports and some members of the Board would like to tweak the policy and  
5 maybe go with Cliff's recommendation from the staff on the overall  
6 obstruction recommendation that he made to us yesterday. I believe,  
7 procedurally, there are members who voted for the previous motion. I can  
8 make a motion that we adopt Cliff's recommendation regarding obstructions  
9 as presented to the Board yesterday.

10 I'll make that in the form of a motion at this time.

11 MS. RADCLIFF: With the addition of the third  
12 part?

13 MR. FRANKLIN: I'll do it either way. We can  
14 discuss, the third thing is fine with me, if that's the recommendation. I'll  
15 include that in my motion.

16 MR. OMPS: Second.

17 MR. OBERNDORF: Any discussion?

18 MS. RADCLIFF: Mr. Chairman, I am a little  
19 disturbed. I didn't hear from a single airport on this at all. I know there's  
20 been complaints about the amount of communications we have with airports,  
21 and it's very easy to find out. Everyone can find me if they want to talk to  
22 me, that's great, and if you have a problem, if we could hear from you. I  
23 don't think it's Cliff's job or the Department's job before, I think it's your  
24 representative, if you have a problem it would be a lot better to hear from  
25 you directly. We listen to the Department, but we also listen to you, and

1 that's helpful in the future, if there's an uproar, to know about it.

2 MR. OBERNDORF: Anyone else care to  
3 comment?

4 DR. WAGNER: Yes, I've heard from a couple of  
5 folks in my region, and one of them said this policy is significant, we  
6 understand that, and we should be responsible, but we rely on the  
7 Department to provide for us the clearance and okay that we're --  
8 obstruction. It's the Department's strong belief and presented to us directly  
9 at the last Board meeting that really pushed the decision of the Board that  
10 the Department feels it's not the Department's responsibility to certify the  
11 airport as obstruction-free. That's the responsibility of the airport and the  
12 airport sponsor. This is a --- when the aviation community is moving back  
13 and forth if we change what we're doing on this. Again, it is still my belief  
14 that the way this is worded the same "Perfect Storm" and the same crunch  
15 will happen to you folks again.

16 Now, with this there is not a 60-day proviso, with this you're  
17 going to have a lot more work that you're going to have to do, if you think of  
18 the long and unintended consequences. We're here as your representatives,  
19 and we're here also to try to make it work smoothly so you have the  
20 opportunity, if all of a sudden you find you're having a problem, that you're  
21 able to get it taken care of and continue business as usual and not have to  
22 overload you and the Board with last-minute phone calls to the Board, even  
23 though there is now this formal application process about what's happening.  
24 So, business as usual, as you have now.

25 So, I'm sitting here listening to what's going on, and I've heard

1 from one or actually two members from my Region 7 who have said please  
2 don't change the policy and let us understand it, and maybe we can talk  
3 about it a little bit more. So, my vote has to be no on this, from what I've  
4 heard from my region, as well as my understanding of what you are asking  
5 from the Department at the last meeting that prompted this conversation.

6 MR. FRANKLIN: Mr. Chairman, I guess I'm the  
7 floor leader for this motion. I think that this is a clear cut case of do we do  
8 what we think is best, or do we do what our airports, through their  
9 representatives, have asked us to do. I think Cliff's recommendation is  
10 somewhere in-between, I think this is not "no" regulation. I would certainly  
11 hope that the Department, now that it's up to, I understand it's up to the staff  
12 level having adequate engineers, so to speak, which was one of the things  
13 that contributed to this policy last spring or summer.

14 MR. BURNETTE: More than adequate, Mr.  
15 Franklin.

16 MR. FRANKLIN: More than adequate, thank you.  
17 But, you know, if you look at that "Perfect Storm," you can see that happen,  
18 because it happened very close to the ABA Annual Meeting, where 90  
19 percent of our money is given out anyway. It also is what I would call a  
20 summer surprise. I have been among sponsors who have had that happen, be  
21 all ready to go on the way to Virginia Beach, Roanoke or Richmond or  
22 Northern Virginia and learn, because somebody dropped by the airport the  
23 week before, that you had obstructions and you may not even know it. I  
24 think the staff, the Department and this Board should pursue a policy of, not  
25 a change in the written policy regarding this, but that we try to do a schedule

1 that more or less focuses on the fault and so on, so that we won't have a  
2 summer surprise for our sponsors and the airport. I just think that, I think  
3 that the motion was well intended, I voted for it previously, but, you know,  
4 the older I get the more I realize that we have a right to change our mind.

5 I just feel like from probably the perspective of the airport  
6 sponsors, I have not talked to anybody, and I have made an effort to talk to  
7 people in my region, and I've even had some calls from some other regions,  
8 and they are totally, don't like this policy and believe it can be accomplished  
9 through the staff recommendation. The staff recommendation came about  
10 because of e-mails. The only reason I got those and some members didn't is  
11 that I am a member of the VAOC. When I started getting those things, I  
12 mean I got six to ten in one day, and I said, whoa, this warrants looking.  
13 Then I started calling around, and we started talking about this process. Of  
14 course, I'll go with what the majority wants, but I think what we could do is  
15 take the policy, temper it, and I think now state airports know we mean  
16 business. I'd even go so far, if we do it down the road, to say that if you  
17 come in and you have willful neglect regarding your obstructions, and if you  
18 sign that you know you have obstructions, I would go along with the fact  
19 that maybe in the future all funding could be in jeopardy, as determined by  
20 the Board. That would get serious about this stuff. If you had like a  
21 suspension, you couldn't get it for a year or six months, or whatever it was.

22 So, I'm ready to get tough, but I think this is a good middle of  
23 the road approach, but no question about it, it still favors safety. If there is a  
24 tree out there that is going to be a hazard, a true hazard to aviation, we're  
25 going to take action and take care of it. But, otherwise, I think that probably

1 this is middle of the road, and it does, it guarantees safety and also is  
2 reasonable, I think, for the state's airports and the Board.

3 MR. OBERNDORF: Thank you. Any other  
4 comments from the Board?

5 MR. OMPS: The one thing, I don't have a problem  
6 with the motion, I seconded it, and I think it's a good median, so to speak.  
7 But, one thing, and we talked about it at breakfast this morning, that  
8 concerns me, the gentleman from Lynchburg said yesterday you can have  
9 three different evaluations of obstructions and three different answers. I was  
10 wondering if this Board or the staff or whoever could come up with a  
11 standard, so to speak, that all airports can be gauged by, PhotoSlope or a  
12 certified surveyor, or whatever. That way you wouldn't have this question  
13 about are we really in compliance and all of a sudden get lambasted with  
14 information when someone else says you're not in compliance.

15 UNIDENTIFIED: One thing that Cliff said was a  
16 priority, we still have the most critically that might answer that. We think  
17 that a licensed land surveyor that is licensed, is the word, if you will, and  
18 should take priority over the studies below that. That might be what you're  
19 talking about.

20 MR. OMPS: That would be great. The Board was  
21 going to finance that part through maintenance money, is that correct?

22 MR. BURNETTE: Yes.

23 MR. OMPS: We're going to finance that through  
24 maintenance money?

25 MR. BURNETTE: Yes, sir.



1 MR. OMPS: I just believe you can't have, or you  
2 shouldn't have three different methods of determining this. They don't all  
3 three parallel each other.

4 DR. WAGNER: There's a potential amendment to  
5 the motion would have been to make sense, if our goal is to make sure that  
6 the airports are obstruction-free, and that's what drove all this, and the  
7 problem being that it wasn't construed regularly and that people were  
8 screaming they didn't get their money and got all these problems with the  
9 funding. This is not in its stated form to eliminate that from happening  
10 again. Perhaps, and I need to understand the funds available and the impact  
11 of what would be the impact if there is funding set aside every 12 and 18  
12 months and a guaranteed schedule for a survey of every one of these airports  
13 within the Commonwealth of Virginia so they're obstruction free.

14 Right now you guys got slammed in the end of, the middle of  
15 the summer of the funding cycle in front of the meeting, and that was a  
16 terrible thing. So perhaps maybe the solution would be, if we're concerned  
17 that you're not getting or you're relying on the Department to do it and then  
18 we own up to what the real truth is, and the facts are as it stands, you rely on  
19 the state to do it and the protocol and a program to do it, say within a  
20 reasonable period of time, 12 months or 18 months, the Department will  
21 guarantee that they will come by and do it, or there will be money set aside  
22 in your budgets for the year, whether you're an air carrier, or whether you're  
23 a reliever, or whether you're a public use airport, the survey will be funded.  
24 But, again, my concern all boils down to safety, air space clearance to be  
25 able to make the system work. That's my problem with this resolution. So if

1 you're calling a cat a dog, we have to somehow fix it or have regular routine  
2 inspections, do we pay for it, or do you, there has to be some schedule. Help  
3 me understand it. That's really what concerns me, so let's solve that  
4 problem.

5 MR. OMPS: I don't think we want to get to the  
6 point where we're doing it for them, I don't have any problem with it getting  
7 done on schedule.

8 DR. WAGNER: Aren't two or three of these  
9 actually being done by someone other than the airport?

10 MR. BURNETTE: Yes, the surveys, license  
11 surveys, the surveys are done by the Department. The license land surveyor,  
12 they ask for it through their own funds or through maintenance, for a major  
13 project.

14 DR. WAGNER: If we look at the frequency, or  
15 look at how often those that are requested or required by the airport because  
16 the airport relies on. I'd like a show of hands here. How many people have  
17 relied in the last three years on 5010 for their -- how many airports --

18 MR. BURNETTE: Hold on, how many airports do  
19 we have in here?

20 DR. WAGNER: We need to understand. How  
21 many have relied on what the state or the feds have done on their regular  
22 routine pass by your airport? Two or three, we've got a lot. How many of  
23 you guys have, aside from what happened in August and in July, how many  
24 people, as a result of that, how many folks had to go out and buy your own?  
25 Is that one?

1 UNIDENTIFIED: We're already in the process,  
2 we do it regularly.

3 DR. WAGNER: All right, that's different. But I'm  
4 talking about reliever -- of the public, so most of them, the reason why the  
5 state or the feds provide every two to three years. We had conversations  
6 when we were looking to pass this motion, it said, hey, two or three years is  
7 not frequent enough, at least with the information we're getting being given  
8 to us. You've all been sitting in the room here. Somebody's got to provide  
9 this, the airports aren't doing it frequently enough. So that, to me, to make  
10 this right, somehow there's a regular and routine examination for  
11 obstruction-free air space and funded, really, to me, that's the problem. This  
12 doesn't solve or fix the issue that causes us a great deal of difficulty and  
13 caused this Board unanimous action at the last meeting.

14 MR. BURNETTE: All good points, Dr. Wagner,  
15 thank you. What I'd like to say, as I said yesterday, I believe that with these  
16 five processes we assist the sponsors to identify their obstructions, and  
17 hopefully in a three-year period you would have one of those processes  
18 conducted at your airport, or you could come in at any time if you suspected  
19 you had obstructions and we could provide the funding of the licensed land  
20 surveyor with the maintenance money.

21 MR. FRANKLIN: The money is already there.  
22 The maintenance money is there, and it's just a matter of how many airports  
23 take advantage of this. I know that most airports get 80 percent money.

24 MR. BURNETTE: To put the cost in perspective,  
25 Vernon informs me the runway end costs approximately \$1200 per runway

1 in, and 5,000, depending on the airport, which we assist the airport.

2 MR. FRANKLIN: In the rural areas you can get it  
3 for half that.

4 MR. OBERNDORF: Comments from the  
5 audience, also?

6 Come to the microphone and identify yourself.

7 MR. BURNETTE: While they're coming up,  
8 another thing I'd like to add, a suggestion from Mr. Franklin. I think that if  
9 we properly better time our surveys and the results come prior to the August  
10 conference, that would go a long way to eliminate the "Perfect Storm" we  
11 had in August.

12 MR. OBERNDORF: Please identify yourself, and  
13 you have three minutes.

14 MR. KELLY: Bill Kelly, New Kent County  
15 Airport. I heard you all make mention of using the land surveyors, the gold  
16 standard. The problem some of the airports have run into with the land  
17 surveyors, the land surveyors don't understand Part 77. Then you're asking  
18 them to understand it and then sign off on the fact that you do not have any  
19 Part 77 obstructions, which opens them up to a certain amount of liability  
20 which they're really not interested in. They'd rather go somewhere else and  
21 take someone else's money than take your money and put their name on the  
22 hook.

23 That's my only comment on that.

24 MS. HILLIARD: Margaret A. Hilliard. Can you  
25 point to the slide that was number three, recommendations? My concern

1 with the number three recommendation, or as I read it, perhaps I need  
2 clarification. The first phrase says if the airport has unmitigated obstruction  
3 the sponsor may request VAB for an exception, and then they may commit  
4 an application to compete for funding at the next VAB meeting. It sounds to  
5 me like you're losing two cycles.

6 As we all know, the funds are going away most of the time,  
7 especially for GA airports in August. We're fortunate this time that the  
8 reliever airports have money left in October, but if they come and ask for an  
9 exception in August, and we'll narrow it down to GA, the GA airport comes  
10 and asks for an exception in August due to the unmitigated obstruction, there  
11 is no money left in October, then they have no opportunity to fairly compete  
12 in perhaps a safety project or with the rest of the GA airport system. So that  
13 seems to me as if you should be able to ask for your exception at the same  
14 time you're asking for your request. The way the applications are submitted  
15 should allow the Department enough time to evaluate the airport as to the  
16 legitimacy of their request.

17 I guess the second question I would have is how is the staff  
18 going to recommend for a project that has an obstruction. Typically, the  
19 staff has not recommended exceptions of a project with obstructions. So if  
20 you have this exception, how is the staff then going to recommend?

21 So, I have two points, one being that you're creating a delay  
22 where airports won't be able to adequately compete for funding. Then the  
23 second is how is the Department going to recommend on an exception  
24 project?

25 MR. OBERNDORF: Thank you. I believe the

1 motion is to accept Option 3.

2 MR. FRANKLIN: Can I question Cliff while the  
3 speaker's comments are in mind? Cliff, could we do it simultaneously? Do  
4 you have the request for forbearance, or whatever, at the same time as the  
5 application?

6 MR. BURNETTE: Well, that's basically number  
7 two.

8 MR. FRANKLIN: I'm asking you.

9 MR. BURNETTE: Could we, yes, but then you'd  
10 be sitting here recalculating or could kick a project out that is in compliance  
11 because that's the one that has obstruction could score high. To answer  
12 Margaret Ann's question about the timing thing, to me you're exactly right;  
13 however, you should be paying attention and not wait until August to come  
14 in. In the prior month they should be on top, on top of these obstructions. If  
15 they already have a grant from a previous Board meeting, they should then  
16 come in, that shouldn't be any surprise to them, should be able to avoid the  
17 August issue, because this says, this is addressing airports that have a grant  
18 or a maintenance allocation in hand and they're requesting an exception. So  
19 they've already received that months ago. If they're managing their six-year  
20 plan they know what projects they need in the future, and doing proper  
21 planning of their program, they should have ample time to come to this  
22 Board and ask for an exception before August.

23 MR. CARTER: If we could go back to the priority  
24 slide. As I've been hearing this in the progression of the discussion here, one  
25 of the things that came to mind earlier about how it's being funded and the

1 various options. One of the biggest concerns that airports have is the  
2 original annual documentation requirement, making sure of the timing of it  
3 and qualified, and what I see as being a priority of what qualifies are the  
4 ones that are most active, I guess, as far as the types. I'm also concerned that  
5 if it's not an annual documentation requirement placed on sponsors, that the  
6 Department decides to fund that, the Board funds that, it turns out to be  
7 somewhat of an expensive proposition. Those funds will be funded and  
8 taken away from other possible projects, capital improvements, et cetera.

9 MR. FRANKLIN: That's true of all projects.

10 MR. CARTER: Needless to say, I speak from an  
11 airport Part 139, licensed commercial airport. We have so many numerous  
12 federal regulations all the time, I don't see obstructions being that much  
13 different than anything else, but I do speak on behalf of the commercial  
14 service airports. If the Board were to consider, even if it's not an annual  
15 documentation requirement, even if it's funded by the state or taken by the  
16 Department of Aviation to ensure these are done on a regular basis FAA Part  
17 1 certification inspection results, which are obstruction evaluations done at  
18 the same time as Part 139 inspections does qualify as well, included among  
19 those, added to the pot.

20 MR. BURNETTE: It would fall in the same  
21 category as the 5010 survey.

22 MR. CARTER: As long as that is considerably  
23 sought after a year from now or whatever, that's a concern, but at the same  
24 time again this puts greater requirements on GA airports. As long as that  
25 meets the requirements, we automatically meet that once a year, anyway, so

1 it will not impact us, you can take it off the table, something that we will do  
2 to reduce costs. That's our biggest issue with annual documentation,  
3 requirements, unfunded mandates.

4 MR. BURNETTE: Mr. Chairman, if I may, I  
5 would like to speak a little bit about this whole thing. The reason we ranked  
6 or put light surveyors first is because they, they do seal the document, two  
7 and three engineers do perform those surveys, and we're not licensed  
8 surveyors, not to say that our data is not accurate.

9 Number four, the PhotoSlope. The PhotoSlope does give you a  
10 snapshot. Remember you can have shade behind that tree. In other words,  
11 you see a tall tree, it only shows you what's on the face. You can have  
12 several trees behind it that just may be a foot shorter, but also it's not quite as  
13 accurate. Gives you the complexity of the obstruction, and then planning  
14 studies are good to do, obstruction analysis, but they're not as part of the  
15 planning study so it depends on whether or not you fly in with aerial  
16 photography, different techniques, and that's why we ranked that last. When  
17 we say priority, it's not that we think one should be done before the other,  
18 we're just trying to show the degree of accuracy.

19 MS. RADCLIFF: The issue of the mandate, it's a  
20 condition of funding. I don't think I can unfund a mandate. You have to  
21 meet these requirements before we give you money, it's not an unfunded  
22 mandate. I am sensitive to the fact that it would be expensive for a GA  
23 airport. I want something that does the job that does not create a hardship on  
24 anyone's coffers, but when you come and ask for money and say you need to  
25 do this or that, that's not an unfunded mandate. You don't have that money.



1 MR. FRANKLIN: I'd like to know, and if we  
2 could assume just for a moment, hypothetically, that we ought to make a  
3 modification to the obstruction policy and how the Board members feel  
4 about that last item that we've been talking about regarding the exact  
5 concerns mentioned about postponing the decision for two months at the  
6 next meeting.

7 Do any other members have any comments about that?

8 MR. PORTERFIELD: I'm concerned because I  
9 don't think the motion is ready for prime time. I'm a new member, and I  
10 guess my concern is that these are technical problems. I'm a financial guy,  
11 Alan is an ophthalmologist, but, these are professional questions that are  
12 being raised here, what constitutes an obstruction or hazards, two is not  
13 enough and three is too many. I think the airports and the staff needs to  
14 work out and bring to the Board a policy that, while everyone may not agree,  
15 we would know to some degree, and the objective is to get rid of the  
16 obstruction, to have Virginia airports without obstructions. I don't see how  
17 piecemealing this thing in this meeting, we're going to come to the right  
18 decision, whatever that decision is. That's just from a newcomer, so the  
19 wisdom --

20 DR. WAGNER: -- As a follow-on to that, I would  
21 make the motion now that we table this decision until the following meeting  
22 and ask the Chairman to appoint an ad hoc committee regarding specifically  
23 looking for a solution to this, and at the same time making sure that we're  
24 not whipsawing the public and saying we did this, this month, and that, that  
25 month. Not everybody will be pleased with it, but it will take a load off the

1 Department because they're going to have to say this one this month, that  
2 one next month. Hopefully, we'll come to a better consensus and address the  
3 fundamental problem that we have, and that is maintaining an assurance of  
4 the flying public that our approaches and our airports are obstruction-free on  
5 a regular basis so that the airports that have a regular choice of funding and  
6 the applicants are not -- for clarity's sake.

7 There's a motion on the floor, Mr. Chairman.

8 MR. OBERNDORF: Is there a second?

9 MR. FRANKLIN: I will second it if the maker of  
10 the motion will include a date specific that we do this. I don't want to see  
11 these things drag on.

12 DR. WAGNER: I would say by the next meeting,  
13 yes, sir.

14 MR. OBERNDORF: By the next meeting.

15 MR. FRANKLIN: I'll second the motion.

16 MR. OBERNDORF: All in favor of tabling the  
17 motion say aye? (Ayes.) Opposed? (No response.) The ayes have it.

18 If they accept, I'd like to appoint a committee, Mr. Franklin,  
19 Mr. Omps and Mr. Courtney, if you'd serve on that, I'd appreciate it. You'll  
20 have to meet by telephone.

21 MR. BURNETTE: Mr. Chairman, staff needs  
22 some guidance now. We have several airports out there that are waiting for  
23 maintenance money and security money that have been waiting for a  
24 decision to be made at this airport, excuse me, this meeting. Under your  
25 motion from August, and it's not clear, are airports with obstructions eligible

1 to receive maintenance, security, F&E and promotion monies?

2 DR. WAGNER: Requesting new money or --

3 MR. BURNETTE: -- New money. We have some  
4 airports with obstructions.

5 DR. WAGNER: As opposed to the circumstances  
6 that bring them, it's a procedural question. That is, in the past, if someone  
7 has an obstruction, everything is disallowed.

8 MR. BURNETTE: Unless it was to remove an  
9 obstruction.

10 DR. WAGNER: That was what we voted on.

11 MR. BURNETTE: Okay. Is that the Board's  
12 position?

13 MR. OBERNDORF: The Board's position unless  
14 we have another change of policy.

15 DR. WAGNER: What was it before?

16 MR. OMPS: I would like to interject and make a  
17 motion that until we resolve this obstruction issue which, I'd like to make a  
18 motion that until it is resolved we would let safety and maintenance money  
19 for safety purposes and for security purposes, still be eligible. Airports  
20 would be eligible for this money.

21 MR. OBERNDORF: Do I hear a second to the  
22 motion? There's a motion on the floor.

23 MR. FRANKLIN: I'll second it for purposes of  
24 discussing it, at least.

25 MR. OBERNDORF: Any discussion?

1 MR. OMPS: I really believe that these are issues  
2 that need to go forward. We're going to resolve this thing, hopefully, within  
3 two months. If there's a project out there, why make it hang in limbo for  
4 another 60 days or so, and that's my feelings.

5 MR. CARTER: Mr. Chairman, could I ask Cliff a  
6 question? We'd like to know, staff, are any of these what I'd call critical  
7 obstructions involved in these situations? You just know it's an obstruction?

8 MR. BURNETTE: You want us to tell you that it's  
9 critical?

10 MR. CARTER: Yes, you want to call it an  
11 obstruction?

12 MR. BURNETTE: Demonstrates a tendency.

13 MR. CARTER: We can't make that determination.

14 MR. OBERNDORF: Any other discussion? All  
15 in favor? (Ayes.) Opposed? (No.) The nays have it. The motion fails.

16 All right, any new business, starting with tentative allocations  
17 from the Commonwealth Airport Fund.

18 MR. SWAIN: Mr. Chairman and members of the  
19 Board, Mr. Beall, good morning. For the first order of business I'd like to  
20 address, three applications from airports in Virginia involving the revolving  
21 loan program. As was mentioned yesterday, our job is simply to review  
22 these projects and make sure they meet the typical requirements for any  
23 other agency funding projects for the purposes of helping ITRA. We only  
24 ask that the Board endorse these applications. We found all three of these in  
25 order and recommend endorsement.

1           The first one is for Hanover County in the amount of 2.1  
2 million dollars for clear span T-hangar buildings.

3           The second one is for Middle Peninsula Regional. A loan  
4 application of \$480,134 for a T-hangar building.

5           The third is the Tazewell County Airport, requesting VRA  
6 \$100,000 loan for purposes of an existing clear span T-hangar building that's  
7 privately owned and T-hangar site prep.

8           We ask the Aviation Board to endorse the three applications.

9                       MS. RADCLIFF: So moved.

10                      (Second.)

11                     MR. OBERNDORF: All in favor? (Ayes.)  
12 Opposed? (No response.) The ayes have it.

13                     MR. SWAIN: Next, if you would turn to the  
14 revised board memo to the Aviation Board from Cliff Burnette. I'd like to  
15 reiterate the funds available listed on Page 3 of that memorandum, the one in  
16 blue. As of today, the Aviation Board has available to allocate an air carrier  
17 reliever discretionary fund, \$2,587,241.25. In the General Aviation  
18 discretionary fund, zero dollars.

19                     Mr. Chairman, in the past since we've discussed these projects,  
20 we have simply gone region-by-region on the voting. Do you want to  
21 proceed that way?

22                     MR. OBERNDORF: Proceed that way.

23                     MR. SWAIN: On Region 4 we'll highlight, on  
24 Region 1 staff is asking the Board to not approve funding for two projects,  
25 New River Valley Airport, and that would be our recommendation.

1 MR. OBERNDORF: Is there a motion?

2 MR. DIX: I'd make a motion to approve that  
3 recommendation.

4 MS. RADCLIFF: Second.

5 MR. OBERNDORF: All in favor? (Ayes.)  
6 Opposed? (No response.) The ayes have it.

7 MR. SWAIN: Region 2, we have no requests for  
8 funding.

9 Region 3, the staff recommendation is to approve four projects  
10 at the Stafford Regional Airport, with conditional approval that the airport  
11 mitigate all existing obstructions by the date of November 15, 2006. Also,  
12 recommend not funding a project at Front Royal and a project at  
13 Gordonsville Municipal.

14 MR. OMPS: Mr. Chairman, I move the staff  
15 recommendations on Region 3.

16 (Second.)

17 MR. OBERNDORF: All in favor? (Ayes.)  
18 Opposed? (No response.) The ayes have it.

19 MR. SWAIN: Region 4, the staff's  
20 recommendation is for the Board to approve projects to be funded at a later  
21 date. The two projects initially requested funding for a fuel system  
22 construction and a fuel prevention counter measure. We're asking these  
23 projects be approved now, and that the airports, when they come back for  
24 funding in August, those two projects will be placed at the top of the list and  
25 not have to compete for funding. Also, that apron expansion and REIL's and

1 access road increase and terminal building furniture be approved at this point  
2 and then when the airport comes in for funding in August, that those three  
3 projects will compete for funding.

4 We're recommending that three other projects not be funded,  
5 the terminal building furniture plan, clear span T-hangar site prep  
6 construction, clear span T-hangar site prep design.

7 MS. RADCLIFF: I move the staff  
8 recommendation.

9 (Second.)

10 MR. OBERNDORF: All in favor? (Ayes.)  
11 Opposed? (No response.) The ayes have it.

12 MR. SWAIN: Region 5, staff recommends no  
13 funding.

14 MS. RADCLIFF: I move the staff  
15 recommendation.

16 (Second.)

17 MR. OBERNDORF: All in favor say aye?  
18 (Ayes.) Opposed? (No response.) The ayes have it.

19 MR. SWAIN: Region 6. Staff recommends not  
20 funding the projects at the Emporia/Greenville Regional Airport.

21 MR. OMPS: Mr. Chairman, as a motion I move  
22 the staff's recommendation.

23 MR. FRANKLIN: Second.

24 MR. OBERNDORF: All in favor? (Ayes.)  
25 Opposed? (No response.)

1 MR. FRANKLIN: Mr. Chairman, I abstain, for  
2 the record.

3 MR. OBERNDORF: The ayes have it, with one  
4 abstention.

5 MR. SWAIN: Region 7. Staff recommends  
6 funding a project at the Chesapeake Regional Airport and not funding a  
7 project at Suffolk Municipal.

8 DR. WAGNER: I move the staff's  
9 recommendation.

10 MR. OMPS: Second.

11 MR. OBERNDORF: All in favor? (Ayes.)  
12 Opposed? (No response.) The ayes have it.

13 MR. SWAIN: For the Board's information, based  
14 on those allocations, not allocations but funding, the current balance for air  
15 carrier reliever fund is now approximately 2.47 million dollars, the GA  
16 discretionary fund zero dollars, and we are within about \$25,000 of  
17 completing the funding for the William M. Tuck hangar site prep. As soon  
18 as we uncover another 25,000 we might have some funds available for GA  
19 airports in the future.

20 MR. OBERNDORF: Thank you, Mike.

21 MR. OMPS: We can take funds from those  
22 airports that have obstruction and maintenance money.

23 MR. OBERNDORF: There's one other item I'd  
24 like to discuss. I was contacted by United Airlines Governmental Affairs  
25 Office and by the Airline Pilots Association about a month ago. There is a



1 proposal by the Department of Transportation to allow a new USA/China  
2 route to commence next year, and there are several proposals. One of them  
3 is that a route would be operated by United Airlines from Dulles non-stop to  
4 Beijing. American Airlines from Dallas non-stop, I believe, to Shanghai,  
5 that's Beijing also, okay. Northwest Airlines emanating from the Detroit  
6 hub, Continental from Newark, and both of those to Shanghai.

7 I believe it's important that the State of Virginia support the  
8 United route, for various just economic reasons, if nothing else, due to the  
9 fact that we do collect aviation fuel taxes at Dulles. I was informed, after a  
10 little research, that the landing minimum for a 747 is 70,000 pounds, so  
11 10,000 gallons, and if you multiply that by fuel taxes, it's a significant  
12 amount of money. We asked the Governor to send a letter to the  
13 Department of Transportation, which he has done. Other airports have done  
14 that.

15 I asked the staff to prepare a Resolution to the Board supporting  
16 the route. I have to make a disclaimer here that my daughter is a pilot with  
17 United, not currently on that type of route; she does not fly a 747. For that  
18 reason I can't make a motion on this, so I'm going to hand the gavel to Ms.  
19 Radcliff, and make the motion that we adopt the Resolution supporting the  
20 United route from Dulles to Beijing when the Department of Transportation  
21 makes their determination.

22 DR. WAGNER: Second. As far as I understand,  
23 at one time there was concern within the state and some other areas that  
24 really were not perhaps as vocal about it, but we have no reservations to any  
25 of the other state airports.

1 MR. MCCRAY: That's correct. The airports,  
2 some of the airports, I understood the Governor's position, and may have  
3 supported other routes because of competition issues. They have rallied and  
4 supported the United route out of Dulles, and I'd like to thank them for that  
5 effort.

6 DR. WAGNER: There is statewide support and  
7 unanimity among the aircarriers.

8 MR. OBERNDORF: I believe we're in a  
9 wonderful position, because not only there is financial gains for the state, but  
10 the State Aviation Program, but be able to connect two great capitals with a  
11 non-stop flight, possibly. I'm not sure of the duration of the flight. It might  
12 end up being one of the longest non-stops on the schedule.

13 MR. MCCRAY: It's pretty long, and there are a  
14 couple of longer ones from Dulles down to Johannesburg.

15 MR. OBERNDORF: I've done the Johannesburg,  
16 17 hours in the air. The Singapore Airlines flight from JFK to Singapore is  
17 18 hours, so this is in line with that. It is an amazing thing.

18 MS. RADCLIFF: All in favor? (Ayes.)  
19 Opposed? (No response.) Motion carries.

20 MR. OBERNDORF: Thank you, very much.

21 DR. WAGNER: Mr. Chairman, I received some  
22 feedback from one of the airports where there is concern that the  
23 Department's requirement for a bundling of receipts to these, \$1,000 for the  
24 smaller airports, and creates a financial hardship, particularly if it was a  
25 large one-sum payment of four or five hundred dollars for AWAS support or

1 air safety support. So at the next meeting I'd like to get a little bit of a  
2 consideration as to the potential for modifying that to try to reduce any kind  
3 of burden on financial issues on the airport at our next meeting.

4 MR. FRANKLIN: Mr. Chairman, I also had the  
5 same request made by one of the airports. I join Dr. Wagner in that request.

6 MR. OBERNDORF: I'm not missing the public  
7 comment period. Any other Board members?

8 MS. RADCLIFF: The Virginia Resources  
9 Authority budget amendment, I would say that's a big chunk of money. Last  
10 time around there were a lot of lobbyists working on this Bill, and very hard  
11 to get that 25 million dollars. Unless a lot of people do a lot, it's pretty  
12 unlikely we're going to get that money. December 1 is close to the time, but  
13 if you're lucky enough to get to the Governor's budget and end up there, it's  
14 going to require people writing, so others can have the same benefit you had.  
15 It's one of the things that's going to require a little bit of organization. I'd  
16 like to see people get on board with that.

17 MR. MCCRAY: We have actually counseled with  
18 VRA, and some of the information they've provided is a little bit behind  
19 schedule of when we wanted it. For example, we had our package back in  
20 August, and the impact came up during the last several weeks, and actually  
21 Randy went down and talked two or three weeks ago, so this is  
22 just --

23 MS. RADCLIFF: -- It's important for people to  
24 talk to a variety of financial people like that. The friendly -- will get it when  
25 it comes to a lot of good. There was more money lying around back in the

1 '99 session, easier to get 25 million set aside for transportation dollars. I still  
2 think it's possible, I think we have a good track record of what happened  
3 with the money. It might be good if someone gets together a package, and  
4 any of it affecting economic development.

5 MR. MCCRAY: What I was going to recommend  
6 is, and of course the endorsement of the Secretary at this point, if he can get  
7 through the mansion, maybe we can sit down with you and a few other  
8 people and put together a game plan on that. Certainly, Dr. Michelle, rather  
9 VRA, would be a player in that. I'm not so sure it's -- it's interesting to see  
10 what will happen.

11 MR. OBERNDORF: Anything else from Board  
12 members?

13 MR. OMPS: I apologize for old business in the  
14 new business session, but in August I pulled the wash rack project, and staff  
15 said they'd get with DEQ and EPA and see if they could come up with a  
16 more reasonable method for the wash racks, and I'd just like to get an update  
17 of where we are.

18 MR. BURNETTE: About two weeks ago Mr.  
19 Herrick and I met with DEQ. Mike Murphy, I believe is a deputy with  
20 DEQ, and he brought in several individuals that were responsible for the  
21 program there at the main office. We explained to them the dilemma that  
22 we're having, and they were very interested, and we explained the  
23 contradictions that we were having. After the discussion they didn't seem to  
24 see the same issues that the regional office had with this. We've asked them  
25 to get with the regional office so we can get one DEQ opinion, and then after

1 we receive that we're going to meet back with them again and start trying to  
2 work toward the resolution and come up with a program for wash racks that  
3 they will accept, and it's also economical and reasonable for the  
4 Commonwealth for other airports. I wish I could have a more thorough  
5 answer, but we have been working on it and talking with people and, you  
6 know, and working with those folks kind of fitting us in, but we've had some  
7 success. We're very pleased with our initial meeting with them, Mr. Murphy  
8 and his folks. I believe Rusty followed up later with some discussion with  
9 the people in the regional offices. It's not a short answer, but I'm sure Rusty  
10 would be glad to give you the more technical detailed issues, but we are  
11 making progress.

12 MR. OMPS: You'll give us that whenever --

13 MR. BURNETTE: -- As soon as we can.

14 MR. OBERNDORF: Any other comments? Any  
15 other comments from the audience?

16 Thank you very much everyone, we've covered our Agenda.  
17 Appreciate the staff's help and comments from the audience. Like to see  
18 more public comments in the future, it's always very helpful.

19 The meeting is adjourned.

20

21 PROCEEDINGS CONCLUDED.

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1 CERTIFICATE OF THE COURT REPORTER

2

3 I, Medford W. Howard, Registered Professional

4 Reporter and Notary Public for the State of Virginia at large, do hereby

5 certify that I was the court reporter who took down and transcribed the

6 proceedings of the **Virginia Aviation Board Workshop when held on**

7 **October 24<sup>th</sup> and 25<sup>th</sup>, 2006 at Wyndham Hotel Richmond, 4700 S.**

8 **Laburnum Avenue, Richmond, Virginia.**

9 I further certify this is a true and accurate

10 transcript, to the best of my ability to hear and understand the proceedings.

11 Given under my hand this \_\_\_\_\_ day of

12 November, 2006.

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17 Medford W. Howard

18 Registered Professional Reporter

19 Notary Public for the State of Virginia at Large

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25 My Commission Expires: October 31, 2010.

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